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Law Groups**  
EMPOWERING COMMUNITIES SINCE 1989



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# Pathways to Justice

**Overcoming Access to Justice Barriers  
through Collective Action**





**Pathways to Justice: Overcoming Access to Justice Barriers Through Grassroots Action**  
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Room 200A, Center for Community Services, Social Development Complex, Ateneo de Manila University, Brgy. Loyola Heights, Quezon City 1108

(02) 8-426-6001 local 4814

contactus@alternativelawgroups.ph

www.alternativelawgroups.ph

The **Stories from the field: Overcoming access to justice barriers through grassroots communities' participation and collective action** project aims to generate knowledge and evidence on key legal empowerment approaches and their contribution to empowering and strengthening grassroots communities' participation and collective action to bridge access to justice gaps.

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# Foreword

## International Development Research Centre

Over the last 3 years, ALG and IDRC collaborated to work with a network of organizations to capture experiences, learnings and strategies to improve safe participation of community voices in their future. This book emerges from this initiative to develop knowledge and strategies to strengthen civic space. A key element of these efforts was to support communities in producing the knowledge that they want. The result contributes knowledge that transcend geographic contexts and speak to challenges faced by communities working to improve access to justice in Southeast Asia, West Africa, and East and South Africa. The book captures experiences of practitioners from different stages of public engagements, as they navigate risks and strategies to represent their communities on issues like forced migration, climate justice, and indigenous rights, for example. The contributions within this volume foster the exchange of knowledge regarding evidence and practices beneficial to community-based organizations and legal empowerment initiatives focused on enhancing community participation.

Access to justice is a fundamental right that underpins the rule of law and democratic governance. Yet, for many identities and grassroots communities, the path to justice is fraught with obstacles. “Pathways to Justice: Overcoming Barriers to Access to Justice through Grassroots Action” sheds light on this pressing issue by exploring the vital role of legal empowerment practice and grassroots movements in dismantling the barriers that obstruct equitable justice and the rule of law.

This action research is a testament to the Alternative Law Groups’ (ALG) work and how it has remained steadfast in upholding access to justice, learning with grassroots communities, and inspiring change for more than three decades. It is rooted in the principles of developmental law/alternative lawyering which centers on ALG’s dual work of empowering the poor and the marginalized, and effecting justice system reforms. By emphasizing the voices and experiences of those directly affected, this research illustrates the profound difference that grassroots initiatives can make in bridging the access to justice gap.

The research is a valuable resource for policymakers, legal practitioners, and advocates. The findings presented in this report reveal not only the existing systemic challenges but also the innovative strategies and solutions that community-led efforts can offer. From awareness-building, campaigns to grassroots actions, they have the power to ignite change, empower individuals, and ultimately transform the justice landscape. This research highlights that when communities come together, they can create pathways to justice that are inclusive, responsive, and effective.

I invite you to engage with the insights and recommendations in this report and to consider how each of us can contribute to overcoming the barriers to justice. Through concerted efforts at the grassroots level, we can create a more just and equitable society for all. This research is part of a series of participatory action research projects conducted across Southeast Asia, specifically in Indonesia (led by the Indonesia Judicial Research Society), Malaysia (conducted by DHRRA Malaysia), and Thailand (undertaken by the Community Resources Centre Foundation). These projects explore the implementation of legal empowerment strategies in diverse contexts and grassroots struggles. For a comprehensive analysis of these studies, refer to *Grassroots Legal Empowerment: Challenges and Strategies in Southeast Asia*, which connects and synthesizes the findings across the region. Our utmost gratitude to all the respondents, ALG member organizations, researchers, partners from the Grassroots Justice Network, and the International Development Research Centre (IDRC) for all the hard work in making this possible.

Maraming salamat!



## **Sheila Grace Formento**

National Coordinator  
Alternative Law Groups-Secretariat

Twenty-two years ago, I made the decision to dedicate myself to serving communities by working with non-government organizations. I was fortunate to begin my journey at Sentro ng Alternatibong Lingap Panligal (SALIGAN) and Alternative Law Groups, where my immersion in these organizations opened up a completely new perspective on lawyering. I had the front seat to see grassroots legal empowerment, or alternative lawyering unfurl, and be treated by stories of people who have continued to inspire and amaze me since day one. This book seeks to bring together the stories of people accessing justice, hoping that these narratives will inspire others and challenge us all. While the journey of grassroots legal empowerment is non-linear and certainly not easy, it remains a powerful tool for redefining what justice means for communities. At its core, legal empowerment is about giving individuals and groups the knowledge, skills, and confidence to understand, assert, and defend their rights. It's about shifting the balance of power from institutions to the people they are meant to serve.

Through the stories and case studies shared in this book, it becomes clear that when communities are equipped with the tools to navigate legal systems, they don't just become passive recipients of laws—they become active agents in shaping and transforming those laws. Grassroots efforts allow for creating justice that is relevant, inclusive, and responsive to the needs of the people. This form of empowerment goes beyond providing legal advice; it fosters a culture of collective action, where communities come together to challenge systemic inequalities and hold power accountable. It creates solutions that are locally informed, culturally sensitive, and rooted in the lived experiences of the people they serve, ensuring that justice is not just an abstract ideal but something tangible and achievable. Each of the stories on changed lives and communities shared in this book carries lessons and victories that, I hope, will strengthen the resolve of other communities. No matter how insurmountable the obstacles thrown up by the system may seem, grassroots legal empowerment remains a necessary process for achieving a more equitable and just society—one where justice is not a privilege for the few, but a right for all. When people understand their rights and are supported in asserting them, they not only become better able to protect their interests but also become active participants in building a more just world for future generations.

I am deeply humbled to be part of the team that has put these collective stories together. With great honor, I offer my highest respect to our paralegals, community leaders, women fighters, workers, indigenous groups, and countless others who continue to weave the tapestry of hope, inspiring change and making genuine justice a reality in the lives of many. We hope that we were able to give justice to your stories of access to justice.

Salamat po.



**Anna Liza "Lizel" B. Mones**

Project Coordinator

As an organization that leverages the undeniable strength and resilience of empowered members of base communities and sectors, the Alternative Law Groups is proud to have contributed to the research project entitled “Stories From the Field: Overcoming Access to Justice Barriers through Grassroots Communities’ Participation and Collective Action.”

This research provided an important respite for an organization like ours to think about the capacity-building and organizing work we do, consult with our partner paralegals, and identify possible solutions to long-standing and emergent issues that affect the empowerment and continued advocacy of our partner marginalized communities.

We hope that the resulting report becomes an important tool for individuals, groups, and organizations in their day-to-day activities as well as for their long-term planning and strategy development. Further, this work provides much-needed inspiration for advocates to keep on their essential work of maintaining and organizing empowered communities.



**Eljay Bernardo**

Rainbow Rights  
ALG Council Chairperson

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# Abbreviations

<b>ALG</b>	Alternative Law Groups
<b>BALAOOD</b>	Balay Alternative Legal Advocates for Development of Mindanao
<b>CLB</b>	Children’s Legal Bureau
<b>ELAC</b>	Environmental Legal Assistance Center
<b>Kaisahan</b>	Kaisahan Tungo sa Kaunlaran ng Kanayunan at Repormang Pansakahan
<b>Kanlungan</b>	Kanlungan
<b>KLEA</b>	Key Legal Empowerment Areas
<b>LRC</b>	Legal Rights and Natural Resources Center
<b>PANLIPI</b>	Tanggapan Panligal ng Katutubong Pilipino
<b>PEJC</b>	Philippine Earth Justice Center
<b>PROCESS Panay</b>	Participatory Research Organization of Communities and Education Towards Struggle for Self-Reliance - Panay
<b>Rainbow Rights</b>	Rainbow Rights Philippines
<b>SALIGAN</b>	Sentro ng Alternatibong Lingap Panlegal
<b>TK</b>	Tanggol Kalikasan
<b>WLB</b>	Women’s Legal and Human Rights Bureau

# Chapter I

## Introduction

Legally enforceable rights and duties fortify a democratic society. The United Nations Development Programme (UNDP) defines access to justice as the “ability of people to seek and obtain a remedy through formal or informal institutions of justice, and in conformity with human rights standards”. Access to justice is considered as a right that safeguards and ensures other rights—“the ability of people from disadvantaged groups to prevent and overcome human poverty by seeking and obtaining a remedy...” (UNDP, 2020, p. 10). While the idea of access to justice has come to define an integral aspect of development, its realization for poor and marginalized communities remains difficult.



Particularly in the Philippines, poor and marginalized communities remain underserved. In fact, eight out of 10 Filipinos lack legal assistance (World Justice Project, 2018).

For more than three decades, the Alternative Law Groups (ALG), a coalition of legal resource nongovernmental organizations, and its members, had been framing, designing, and implementing their legal practice as developmental law. Each member-organization, working with different sectors, operates under the principle of empowering grassroots communities and strategically engages institutions toward greater access to justice. ALG and its members have mainly worked on empowering the poor and the marginalized, as well as institutionalizing justice system reforms and interventions through three key legal empowerment approaches (KLEAs): strategic litigation, development of paralegals, and policy reform initiatives. The ALG is coordinated through its Secretariat.

Legal empowerment can be rationalized by notions of citizenship, which can then be categorized under the republican and the liberal modes (Honohan, 2017). The liberal notion emphasizes state obligations to the individual in the form of rights, while the republican focuses on the pursuit of collective rights and political participation. In terms of justice, it is helpful to interrogate legal empowerment from the historical evolution of justice. Retributive justice, the most elementary form, prioritizes the punishment of crime. Restorative justice seeks to correct the injustice, as well as repair damaged relationships. Transformative justice is a more holistic approach, as it underscores the need for addressing systemic issues. For marginalized groups, transformative justice provides the best framework for explaining—and resisting—systemic oppression based on class, gender, or ethnicity. The key legal empowerment approaches undertaken by the members of the ALG aim to achieve transformative justice.

This study was participated in by the following ALG member organizations: Balay Alternative Legal Advocates for Development of Mindanaw (BALAOD), which works with marginalized communities in Mindanao; Children’s Legal Bureau (CLB), which works primarily for the protection and promotion of children’s rights; Environmental Legal Assistance Center (ELAC), which works with communities to uphold the right to a healthful and balanced ecology in the island of Palawan; Kaisahan Tungo sa Kaunlaran ng Kanayunan at Repormang Pansakahan (Kaisahan), which works to help accelerate program implementation and facilitation of beneficiaries’ participation in all aspects and stages of agrarian reform and rural development; Kanlungan, which works towards the protection and promotion of the rights and welfare of migrant workers; Legal Rights and Natural Resources Center (LRC), which works with indigenous and underserved communities in the nexus of human rights and the environment; Tanggapan Panligal ng Katutubong Pilipino (PANLIPI), which service indigenous peoples; Philippine Earth Justice Center (PEJC), which works towards environmental protection and the promotion of sustainability; Participatory Research Organization of Communities and Education Towards Struggle for Self-Reliance (PROCESS) Panay, which serves coastal and rural communities in Panay island; Rainbow Rights Philippines, which works to uphold equal rights and opportunities for all, regardless

of sexual orientation and gender identity or expression (SOGIE). Sentro ng Alternatibong Lingap Panligal (SALIGAN), which provides legal assistance to various disadvantage sectors; Tanggol Kalikasan (TK), a public interest law office working on environmental protection; and Women’s Legal and Human Rights Bureau (WLB), a feminist organization working for the rights of women.

This study provides an understanding of how legal empowerment approaches can contribute to the empowerment of grassroots communities and close access to justice gaps. In particular, it aims to:



**examine the role of grassroots communities in addressing access to justice issues;**



**understand how key legal empowerment approaches of NGOs (i.e., ALG members), as developmental law praxis, impact on grassroots communities’ ability to seek and/or obtain justice; and**



**bring focus on innovative legal empowerment communities to call for reforms and address gaps in access to justice.**

The research draws from the experiences of different legal empowerment organizations, all members of ALG, and grassroots communities engaged in any of the three KLEAs: strategic litigation, paralegal development, and policy reform. The repository of knowledge and skills generated serves as the basis of a comparative learning exchange among legal resource NGOs at the country and regional levels.

With a broader understanding of the legal empowerment work within grassroots communities, the research also bolsters the development of a common framework and campaign agenda for the Philippines and the region to better capacitate and empower grassroots communities in addressing access to justice issues. This study is part of a multi-country regional study that includes Malaysia, Indonesia, Thailand, and Cambodia, with the support of the International Development Research Centre.

Lastly, this research documents and analyzes ALG’s legal empowerment work experience in the Philippines, focusing on the KLEAs deployed by its member groups, examining how these approaches contribute to enriching grassroots communities’ ability to seek and obtain justice, and understand the challenges faced by communities in accessing justice.

# Chapter II

## Methodology

Primarily a qualitative study, the research drew largely from the data and stories gathered by and among ALG's member-organizations, their stakeholders, and the grassroots communities served by the coalition and workforce. Following a participatory approach, it emphasized direct engagement of local priorities and perspectives (Vaughn & Jacquez, 2020; Cornwall & Jewkes, 1995).



The research focused on ALG's and its members' legal empowerment work experiences in the Philippines as a coalition, looking at the three KLEAs: strategic litigation, developing paralegals, and policy reform initiatives. Proposed rephrasing: The research focused on the coalition's experiences and interventions in the Philippines, with particular attention to the use of the three KLEAs: strategic litigation, paralegal development, and policy reform.

The focus on ALG's key legal empowerment approaches is intended to capture key knowledge sites as bases for analyses. The study provided opportunities to document and critically assess current interventions, aiming to analyze and reinforce the ALG's legal empowerment framework. Since its inception, the coalition has been envisioned to be a people-centered, community-driven justice institution prioritizing public accountability while advancing equality and inclusion. The study also involved ALG members' community partners, which are mostly from marginalized sectors: communities involved in environmental justice issues, women and gender justice issues, including LGBTQIA+, human rights abuses, Indigenous People's rights, and children's rights.

The Case Study method was also used as a data-gathering technique, intended mostly as a descriptive exercise, and applied in this research to describe particular key legal empowerment phenomena and events, where ALG or its members employed a particular KLEA. Its application is to present best practices and/or challenges of the approach/es.

## **DATA GATHERING SCHEME**

The research participants were members of socially and economically disadvantaged groups. They are understood to be "persons that experience a higher risk of poverty, social exclusion, discrimination, and violence than the general population, including, but not limited to, ethnic minorities, migrants, people with disabilities, isolated elderly people and children" (EIGE, 2023).

ALG organizations' operations cover a wide area of concerns involving justice issues of the poor, disadvantaged, and marginalized groups in the Philippines. These include issues on women, labor, peasant, fisherfolk, children, urban poor, indigenous peoples, persons living with HIV/AIDS, local governance, and the environment. Collectively, the coalition members' operations cover the entire country, with some ALG organizations having nationwide coverage as they operate in different areas across the Philippines, while others focusing their operations on a particular locality or geographic region. While these specific disadvantaged groups have been identified, the data gathering and analysis process remained vigilant and sensitive to the interconnectedness of social categorizations—otherwise called as multiple layers of marginalization—held by each group and its individual participants (Klar & Leeper, 2019). Examples include young indigenous women, migrant urban poor workers, youths with disabilities, and Muslim LGBTQIA+ individuals, among others.

The selection of participants followed purposive sampling, specifically employing critical

case sampling to gather data from cases that would yield the most informative insights (Patton, 1990). This method was utilized in the context of this study by focusing on the access to justice experiences of disadvantaged groups. Critical case sampling is particularly relevant where time and mobility for the researcher may be constrained. A limitation of this sampling method is that it cannot permit for a broad generalization of all possible cases. While employing critical case sampling is a strategic approach, it assumes that the chosen site or community will provide the most valuable information and will significantly contribute to knowledge development. The method for selection of participants also ensured gender representation to capture the voices and experiences of women, encouraging an intersectional character of representatives whenever possible.

Three qualitative research techniques were used to collect primary data: (i) focused group discussion (FGD); (ii) key informant interviews (KII); and (iii) validation. These FGDs, KIIs, and validation activities were recorded, and, when practicable, transcribed verbatim and in toto, and, where relevant, translated for archiving and analysis.

*Focused Group Discussion.* The purpose of the FGD is to gather in-depth data and perspectives about the KLEAs that contribute to the empowerment of grassroots communities and effect reforms in the justice system. Based on their experiences and knowledge of these approaches and their impact, selected individuals from grassroots community members, NGOs, and government stakeholders were invited as FGD participants. The number of participants in each FGD varied between three and eight individuals, with each session taking approximately 1.5 to two hours. A facilitator and annotator/recorder conducted the FGD. Facilitators were encouraged to develop and improve on the questions that would encourage responses from the participants.

*Key Informant Interviews.* The KIIs were conducted with leaders-representatives of grassroots communities, NGOs, and/or legal resource experts through semi-structured interviews. The key informant was identified according to capacity to proxy for his/her/their group or organization (based on knowledge, memory, and role). These individuals were chosen because of their first-hand knowledge about their sector, the NGOs they work with, and their expertise regarding the field of study.

*Validation activities.* Validation, meanwhile, involved the presentation of the preliminary findings to the participants to determine the appropriateness of the results. These sessions served as feedback mechanisms that provided an opportunity for clarification, correction, and exposition of the preliminary findings by the participants.

The research adhered to ethical guidelines that emphasized principles, such as free, prior, and informed consent (FPIC), as well as beneficence.

## LIMITATIONS AND CHALLENGES

While the study sought to provide a comprehensive and in-depth view of the effectiveness of legal empowerment approaches in promoting access to justice for marginalized sectors in the Philippines, the researchers were met with challenges which may have contributed to gaps in the findings. As previously mentioned, recruitment of participants was primarily by purposive sampling. As such, it cannot permit for a broad generalization of all possible cases. On the other hand, trust and familiarity, which are important preconditions especially where sensitive information is shared, allowed the researchers and the research participants more candid exchanges and discussions. Because the research participants, especially those from the communities, had been and are currently served by ALG members, attribution of support is more apparent. This relationship should inform and be clear to the reader.

The initial data gathering phase was conducted during the period when the country was still under Public Health Emergency (due to the COVID-19 pandemic and the government-imposed travel restrictions), thus mobility and in-person interaction were limited. This entailed various postponements in the conduct of data gathering. The schedules were largely dependent on extraneous factors and variable health conditions and protocols in effect at the local level.

## ANALYSIS AND PRESENTATION

Data analysis was done on two levels: thematic and linguistic through semiotics. In the report analysis and production, particular attention was given to (1) selection of vivid and compelling data extracts (e.g., stories, words, phrases, passages, and quotations) from the KIs and FGDs; (2) semiotic analysis of select extracts; and (3) circling back and grounding the analysis to the research question and literature. The key findings were organized and presented according to the KLEAs.

Moreover, the researchers collected evidence and knowledge, within each thematic legal empowerment approach, regarding impact on women's empowerment and participation in addressing access to justice gaps. It sought (i) to determine whether and how these approaches contributed to recognizing women's participation and (ii) to identify policy reforms that promoted gender equality in access to justice within the subject countries. As much as practicable, the researchers aimed to achieve a balance of women representation in the data-gathering stage and the use of gender-fair language.

The study hopes to contribute to the understanding and awareness of legal empowerment tactics that effectively promote justice access and foster legal empowerment in the Philippines. The results of this study can guide future research and activities targeted at improving marginalized and vulnerable populations' access to justice, as well as policy and practice in this field.

# Chapter III

## Legal Empowerment in the Philippine Context



### 3.1 ACCESS TO JUSTICE

Access to justice can be defined as “the ability of individuals to seek and obtain a remedy through formal or informal institutions of justice, in conformity with human rights standards” (UNDP, 2004, p. 9). The Organisation for Economic Co-operation and Development (OECD) similarly and more broadly defines it as “the ability of people to obtain just resolution of justiciable problems and enforce their rights, in compliance with human rights standards, if necessary, through impartial formal or informal institutions of justice and with appropriate legal support” (OECD, 2019).

Access to justice in the Philippines, unfortunately, faces several solid barriers. This fact is heavily studied and documented by studies and reports by local and global organizations. For instance, the United Nations Development Program observed that those living in rural or isolated places face obstacles in getting legal services (UNDP, 2020). The Integrated Bar of the Philippines also pinpointed that rural residents sometimes have limited or no access to legal aid services because these services are typically focused on urban regions (IBP, 2020). For many Filipinos, especially those who live in poverty, legal fees and expenses can be unaffordable (IBP, 2020). Meanwhile, a 2017 study of the World Bank stated that the poor often do not have access to legal aid services, which are crucial for providing free or low-cost legal assistance (World Bank, 2017). For those without legal experience, the Philippine legal system can often be confusing and challenging to understand (UNDP, 2020). Without legal representation, individuals may struggle to navigate the legal system, leading to unequal outcomes. The IBP study also provides a correlation between trial delays and access to justice in that justice barriers are also exacerbated by protracted court proceedings and case settlement delays (IBP, 2020).

The said studies make relevant observations about Filipino citizens’ awareness and knowledge of rights, remedies, and legal systems and the need for interventions to address gaps. Many Filipinos are unaware of their rights and the legal remedies available to them (UNDP, 2020). Legal literacy programs are needed to educate the public about their rights and how to access legal assistance (IBP, 2020). Hence, poor and marginalized communities often face discrimination and social exclusion, which can hinder their access to justice (UNDP, 2004).

The Philippine judicial system is overwhelmed by a substantial backlog of cases, resulting in delays in the resolution of legal disputes (Supreme Court of the Philippines, 2021). According to the World Justice Project Rule of Law Index (2021), the Philippines ranked 97th out of 139 countries globally in terms of realizing or institutionalizing the rule of law. The country also ranked 105th out of 139 countries in terms of the effectiveness of government checks and balances, which includes judicial independence and the protection of fundamental rights.

## 3.2 LEGAL EMPOWERMENT

According to the UN, legal empowerment of the poor through access to justice contributes to broader development efforts by promoting social inclusion and reducing inequality (United Nations, 2009). Access to justice has broad and deep social, economic, and political underpinnings.

Public interest litigation or lawyering had been and continues to be a response of the legal profession to the increasing human rights violations around the world. In the Philippines, it gained traction in the 1970s to address human rights violations under the regime of the dictator Ferdinand Marcos. It was a time of great repression and impunity. During this period, the process and content of legislation were mostly under the behest of Marcos, used to legitimize violations and perpetuate the regime's economic designs. Marcos's declaration of Martial Law was an example of lawfare, where the law was weaponized to undermine peoples' rights. This period in Philippine history bore witness to the birth of human rights and developmental law practice in the country. Concurrently, human rights lawyers utilized the law as a tool to defend and assert the rights of individuals who faced injustice.

The early practice was mostly focused on the assertion of human rights, emphasizing the defense of the individual citizens whose rights were violated or under threat. The idea of developmental law would thereafter take root and broaden the framing of the legal approaches. Among the early and leading practitioners were Senator Jose W. Diokno, Lorenzo Tañada, and Romeo Capulong, who became models and stalwarts of human rights and developmental law practice in the Philippines.

The notion of developmental law, also referred to as alternative law, was conceived as an alternative to traditional legal practice. It shifted the perception of law from being solely a means for vindicating rights to also being integral to achieving meaningful development. The idea of legal practice was broadened to "bringing about changes both legal and in other lawful ways, in the relationships which form the bases of social life, toward more parallel and balanced patterns" (Nasution, 1985). This was predicated on an instrumentalist interpretation of the law and a structural perspective on the origins of injustice. (FLAG, 1994); hence, development was a requirement for justice and, likewise, justice as a requisite for development. At the core service of developmental law is the tandem work of empowering the poor and the underserved, and effecting reforms in the justice system. In essence, this entailed legal organizations and lawyers taking on the role of development actors, collaborating with marginalized sectors beyond their typical casework responsibilities. The protection of human rights was deemed necessary to achieve development.

Developmental law in the Philippines has evolved over the years, particularly with the establishment of laws and policies aimed at promoting social justice and equitable development. The 1987 Constitution of the Philippines, which emerged after the ouster of the Marcos dictatorship, laid the foundation for a legal framework focused on human rights, social justice, and inclusive development (Arkel, 2012).

The intricate connection of law and development has an interesting beginning.

Initially, development agencies turned to law as an instrument for state policy aimed at generating economic growth. Starting in the 1980s, interest in the role of law in economic development grew, but it was an interest in law more as a framework for market activity than as an instrument of state power. Starting in the mid-1990s, development practitioners approached law in a fundamentally new way: as a correction for market failures and as a constitutive part of “development” itself. As a result, “the rule of law” became significant not only as a tool of development policy but also as an objective for development policy in its own right (Santos & Trubek, 2006). Meanwhile, the notion of legal empowerment continued to deepen. In the past, justice projects were often framed within the context of the Rule of Law. The traditional approach primarily focused on efforts to reform government agencies or regulations, with the expectation that these reforms would eventually benefit the impoverished population (Golub, n.d.).

The law and development movement has tried to articulate the role of law itself in a state’s development, particularly economic development (Jamar, 2001). In doing so, it has tended to focus on the substance of the law and the shape of legal institutions, including legal procedures for enforcement of laws. The law and development movement has not succeeded as early proponents had hoped it would. While it had been demonstrated that law may be an instrumental part of a state’s development process, the hard evidence also showed that legal reform, including the institutional and procedural aspects of law, was rarely, if ever, sufficient by itself.

Jamar (2001) found that though substantive reforms may help transform a state’s political and economic situation, the mere combination of changing laws and reforming bureaucracies to match some external model was not sufficient. Proponents of legal empowerment distinguished their work through active and direct relationships with and for the marginalized sectors.

Harmonization of legislation in one single action, however, is a myth. The development and drafting of national uniform legislation are better conceptualized as iterative processes in which each consequent effort brings about a higher level of uniformity (‘consecutive harmonization’) or refinement of policy in respective jurisdictions. Conceptualizing harmonization in this manner would be a more effective approach to achieving harmonization and reflecting the reality of current practice.

In other words, harmonization is best achieved by seeking consensus through policy development and adopting an iterative process to secure the required levels of uniformity (Hill, 2023).

One important aspect of developmental or alternative lawyering is its consideration of not only legal interventions in the court but also legal reform. This stems from experiencing the contradictions within the law, where intentions can sometimes conflict or even pose outright disadvantages to vulnerable sectors. The main argument for which is that no single action can bring reliable harmonization of law—what is required is an iterative process of harmonization.

### **3.3 ALG AS PART OF THE LEGAL EMPOWERMENT MOVEMENT IN THE PHILIPPINES**

ALG is part of a justice movement. Initiated at a period of both turbulence and optimism, ALG began as an informal group coming together as a legal resource group. In the mid-1980s, it was mostly focused on non-formal training of farmers, workers, urban poor, and indigenous peoples (IPs). This effort would become a pillar; a key empowerment approach—developing paralegals. By the time Marcos was deposed, more legal-focused organizations became part of ALG. The early 1980s saw a number of meetings, forums, and symposia being organized and conducted in an attempt to bring together these groups and advance alternative or public interest lawyering. The primary goal of these events was to educate law schools and students—who were naturally interested parties—about issues that affected marginalized groups, such as the urban poor, farmers, IPs, and fisherfolk.

At the time, only a few organizations considered the preservation of human rights in the context of developmental issues, and the necessity to address, analyze, and optimize the interaction between development and human rights, in part, led to the founding of ALG. These groups would later bring work that pushed developmental or alternative law concepts, which would then surface another key empowerment approach—strategic litigation. By the 1990s, the group had broadened to engage in specific sectoral issues and was formally registered.

Now, ALG is a coalition of 19 legal resource NGOs. Each member has focused on sectoral work. The coalition is premised on the organization’s commitment to alternative or developmental law to actualize public interest law, human rights, and social justice.

The main goal of ALG’s initiatives is to increase the ability of underprivileged and marginalized populations to access and utilize legal, quasi-legal, and other channels for resolving their problems and safeguarding and upholding their legal rights. Additionally, the operations of ALG members encompass a wide range of concerns pertaining to justice issues of the poor and marginalized groups in the Philippines, as well as the pursuit of a favorable policy environment that promotes the rights and interests of these groups.

These concerns include those pertaining to women, the workforce, rural and coastal communities, children, the impoverished in cities, IPs, people living with HIV/AIDS, local government, and the environment. When combined, the actions of the coalition members span the whole nation; some ALG members operate nationally, covering various regions of the Philippines, while others concentrate on specific localities or regions.

The work of the coalition members can be divided into four main categories: education, policy reform work, litigation, and research and publication. Each member has their own program priorities and methods in their various areas of operation. These organizations offer unique developmental legal help programs that are focused on advancing social justice, upholding human rights, and pursuing the public good. The combined goals of enacting justice system changes and helping the underprivileged and disenfranchised are at the core of developmental law. Improving the ability of the impoverished and marginalized groups to access and utilize legal, quasi-legal, and other methods for resolving their problems and safeguarding and upholding their rights constitutes the first component and comprises two of its KLEAs (i.e., strategic litigation and developing paralegals). The second is concerned with creating a supportive policy environment that advances the interests and rights of the underprivileged and marginalized, focusing on the third KLEA (i.e., policy reform).

Defining alternative lawyering became crucial to clarifying the nature of organizations, dispelling the public misconception that alternative law is not a viable career path, and highlighting both the similarities and differences among alternative law organizations. This approach aimed to identify specific areas of specialization within the field to facilitate enhanced collaboration and coordination. As a result, ALG was able to develop concrete work plans and programs of action.

# Chapter IV

## Key Findings

This section presents the key findings of the research. A subsection for each of the KLEA is presented with a specific review of literature.

Brief case studies are also included in the presentation. Each case study offers a short discussion of the issue faced by their community partners and the steps or approaches taken to resolve the problem (whether by strategic litigation, policy reform initiative, etc.). It emphasizes best practices and/or ongoing challenges, shedding light on potential innovations to address barriers to access to justice.



## 4.1 STRATEGIC LITIGATION

Strategic or public interest litigation (PIL) has been defined as the practice of lawyers seeking to precipitate social change through court-ordered decrees that reform legal rules, enforce existing laws, and articulate public norms (Chayes, 1976). This political strategy evolved due to the failure of parliaments to attend to issues raised by civil society. Strategic litigation legitimizes and raises the profile of a cause (Buckel et al., 2023).

There are generally two types of strategic litigation, also known as impact litigation or cause lawyering: (1) planned impact litigation (PIL) for cases that are planned by civil society actors from the onset and (2) unplanned impact litigation for cases that graduate into strategic cases as they unfold (Center for Human Rights and Humanitarian Law, 2016).

One of the earliest and successful examples of PIL is the *Brown v. Board of Education of Topeka* (1954) where the US Supreme Court ruled racial segregation in schools to be unconstitutional. Correcting the “separate but equal” earlier Supreme Court ruling, the victory was a milestone for the civil rights movement and had ramifications even for the separation of church and state (National Archives, 1954).

In the Philippines, one of the landmark cases is *Minors Oposa v. Factoran* (1993) where the Supreme Court recognized the doctrine of intergenerational responsibility, as well as the standing to sue in environmental cases of unborn children (LawPhil Project, n.d.).

***“Winning our case has achieved good results. The bounties of the sea have been revived, and our faith in the government has been restored.”***

*- Fisherfolk plaintiff*

ALG’s member groups have pursued their own emblematic strategic litigation, one of which was a case assailing the constitutionality of the vagrancy law contained in the Revised Penal Code. According to this law, a vagrant was “any person found loitering about public or semi-public buildings or places or tramping or wandering about the country or the streets without visible means of support” (Revised Penal Code, 1930).

The Women’s Legal and Human Rights Bureau (WLB) filed a series of cases on behalf of women streetwalkers rounded up by the police. One of the women raised the constitutional question, which was ultimately resolved by a local court. The court ruled that the vagrancy law was unconstitutional for, in effect, penalizing poverty which “smacks of elitism and a violation of the ‘equal protection of the law’ clause of the Constitution” (Civil Case No. Q-96-26153, 1996). WLB characterized this as an example of feminist lawyering, which aims “to strike down legal structures or actions that disempower women, and, hence, are violative of human rights” (ALG, 2004). This is a clear example of PIL.

Another case participated in by an ALG organization is Cruz vs Secretary of the DENR et al. (2000), in which the Legal Rights and Natural Resources Center (LRC) represented various indigenous leaders in arguing the validity, and more critically the constitutionality, of the Indigenous Peoples Rights Act of 1997 (IPRA) which recognizes, protects, and promotes the rights of indigenous peoples. Its constitutionality was successfully defended at the Supreme Court.

Verbruggen (2023) views strategic litigation as a means to achieve societal change outside of the judicial courts, which can be harnessed for community empowerment and rights promotion. Even if strategic litigation may result in jurisprudential backsliding, where outcomes of cases reinforce negative laws, its power of declaratory relief is a validating process for beleaguered communities (Verbruggen, 2023).

However, strategic litigation is always in danger of falling into several traps, undermining its effectiveness. Fischer-Lescano (2021) identifies the following pitfalls: it can be stabilizing of the system it questions; it can be depoliticizing, privatizing the public sphere by enforcing rights through private means; it has a tendency for advocatory violence where the interests of litigation supersede those of its claims to represent; it propagates victimological defensiveness where larger, often non-state actors are not put to task, confined to limited interventions.

### **Community-centric Strategic Litigation**

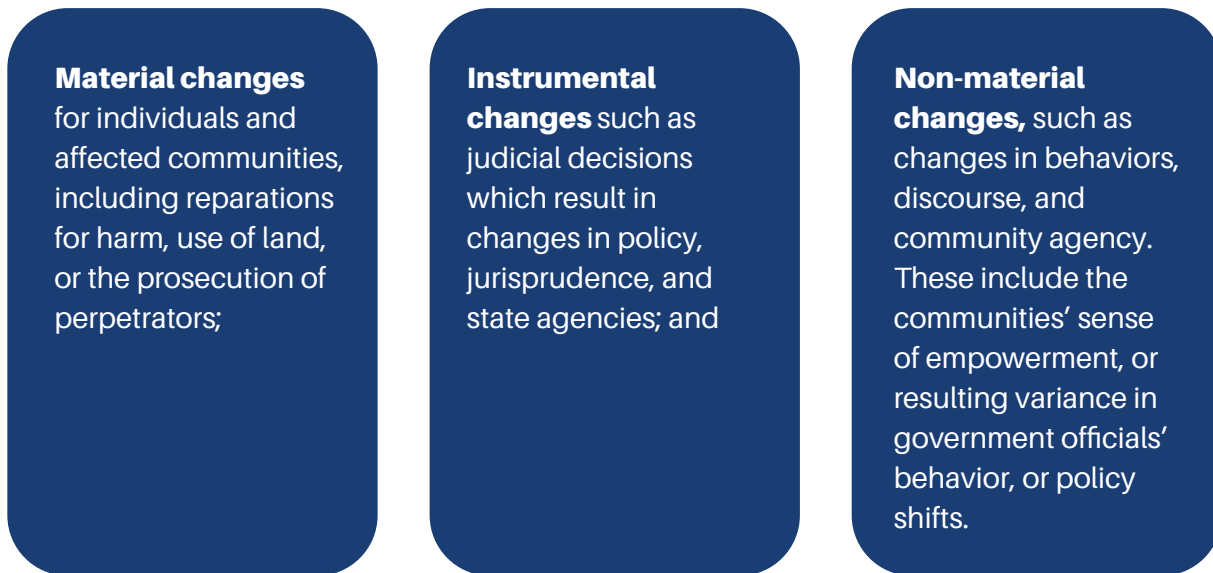
In this section, special attention is given to an alternative way of nuancing strategic litigation, which is community-centered strategic litigation (CCSL). Community lawyering, movement lawyering, and community-driven litigation are some of the forms of CCSL, which clearly recognize the tendency of the legal system to perpetuate oppression and its dynamics (Meyer, 2023).

CCSL departs from traditional litigation, which fails to use an intersectional approach and may even maintain skewed power dynamics between communities and lawyers, thus, unable to truly “serve communities or center their needs” (System Justice, n.d.).

As seen in this section, a group of farmers working with Alternatibong Lingap Panligal (SALIGAN) exhibited the hallmarks of CCSL as they pursued agrarian justice. In the KII with the Environmental Legal Assistance Center (ELAC) representatives, they believe that “the people themselves take action and know whom to address [legal issues]. ELAC bolsters the communities’ efforts through needed legal assistance or through the reputation they have built all over Palawan.” This is also CCSL.

In many of the case studies discussed here, community needs, whether in connection with land ownership or use of natural resources and stewardship, are seen as the starting point for

litigation, the success of which usually have ripple effects for the broader sector (e.g., farmers, indigenous peoples, women) and their overlapping needs and collective rights. It is thus helpful to frame strategic litigation using a multi-dimensional model to account for different outcomes beyond the binary results of only winning or losing a case. Open Society Foundations (2018) identifies the three categories of impacts as follows:



In this section, outcomes are seen playing out, ranging from achieving beneficial sharing derived from an energy project to fostering a sense of community empowerment.

### **Why was this Key Legal Empowerment Areas pursued?**

For Indigenous Peoples, the modern state and its associated institutional legal mechanisms present a challenge to the implementation of their own customary law. Nevertheless, they have been compelled to participate in these state processes, often facing a lack of capacity to effectively engage with them. Strategic litigation has become an avenue to assert their rights, as well as their own governance systems, in relation to both formal and informal platforms.

The apparent significance of a support system—legal and social- is expressed by members of IPs and Indigenous Cultural Communities (ICCs) in interviews with them. In the discussion with respondents from an ICC working with the LRC, they highlighted that they “decided to file a case against the logging company because lawyers and support groups were willing to help them”. They hoped long-standing issues against the company will finally be addressed by bringing them to court. Before they pursued the filing of the case, the Office for Southern Cultural Communities (OSCC), the National Commission on Indigenous Peoples (NCIP), and the *barangay* only told them “*maghulat-hulang lang*” (*just wait*), whenever they reported abuses committed by the company. The inaction of the OSCC/NCIP and local government units (LGUs) discouraged the IPs from reporting harassment and threats. “*Naa man unta reklamo, pero ang problema wala may hustisya*” (“We have filed complaints, but the problem is that justice has not been served”), a participant said.

Tanggapan Panligal ng Katutubong Pilipino (PANLIPI) echoes the rationale above. Their indigenous partner communities filed cases against the National Power Corporation (NPC) for non-compliance with laws and regulations on the issue of energy:

***“[N]agfile tayo ng kaso kasi hindi na natin makuha sa magandang usapan ang issue ng NPC” (“We filed a case because we could not achieve resolution of the NPC issue through dialogue.”).***

In the experience of the Philippine Earth Justice Center (PEJC), the community resorted to strategic litigation because “they have always been harassed for being vocal in their stand against commercialization of coastal areas”, and they have fears around commercial fishing. They filed two cases because the local government, along with other agencies such as the Department of Environment and Natural Resources (DENR) and the local Municipal Agriculture Office, were not receptive to helping the community with their issues. The community also filed the complaint before the DENR because they were “a bit hesitant to file complaints directly with the LGU”.

Meanwhile, an adverse ruling on a case that did not sit well with Balay Alternative Legal Advocates for Development of Mindanaw (BALAOD) triggered its resort to strategic litigation. A lawyer was brought to court by the Philippine Islands

Kids, Inc. (a member of a BALAOD-created network) on charges of illegal detention for abducting a minor. Supposedly, the lawyer did this in order to effectively prevent said minor from testifying in a case. Subsequently, however, the said illegal detention case was dismissed by the court. The lawyer was only convicted with obstruction of justice and was ordered to pay a Php 6,000.00 penalty, as the court considered that she was a first-time offender. The decision did not sit well with the Kagay-anons Against Sex Offenders (KASO), and thus the network decided to file a disbarment case against the lawyer.

ELAC and its community partners have also pursued strategic litigation having recognized the challenges facing Palawan, one of the Philippines’ so-called last ecological frontiers. In the KII, ELAC said that “marginalized poor, who live in remote areas far from regulatory oversight of relevant government offices, have found themselves having to deal directly with these difficult dynamics, often powerless to protect themselves, much less, advance their own interests, simply in order to survive.” Strategic litigation is also important because relevant policies for the protection of the environment and communities are not implemented well.

The Children’s Legal Bureau (CLB) affirms the view that strategic litigation serves as a test case for assessing the implementation of the law and how far it can go in assisting marginalized groups. The CLB typically launches strategic litigation to *enforce or test a new law and show duty bearers how to implement these laws in a child-sensitive manner.*

In the case of Tanggol Kalikasan (TK), their partner communities have filed cases to stop the construction of a power plant, conserve the environment, and stop the violation of human rights and environmental laws.

For Kaisahan Tungo sa Kaunlaran ng Kanayunan at Repormang Pansakasahan (Kaisahan), strategic litigation is an existing program through which they provide case handling and case monitoring services. Working with farmers, they have organized avenues for consulting and holding accountable some implementing agencies through clinics and dialogues with the Department of Agrarian Reform (DAR), Land Bank, and other pertinent government service providers and regulators. Kaisahan has also documented several cases involving agrarian reform beneficiaries through the Dagyaw Negros Para sa Duta Project and had offered free legal consultations in different districts and municipalities of Negros Occidental. Through these activities, communities were made aware of similar experiences of other organizations and empowered to decide whether their own organizations will opt to resort to litigation as well.

The institutional mandate for strategic litigation was also invoked by SALIGAN, which is the only legal resource NGO in Bicol whose mission is to effect societal change by working with the basic sectors. One of its main strategies is defending marginalized, disadvantaged, and exploited groups in the country through legal representation in courts and other quasi-judicial bodies.

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## Key Findings 1 : **Typology of cases**

ALG members pursued litigation of cases aligned with their organizational mandates. Most of these cases were emblematic and precedent-setting, in line with the framework of strategic litigation. As such, it may be said that the decisions and doctrines served as a guide for other communities and provided encouragement for groups facing similar legal questions and obstacles. These cases could be grouped into the thematic areas discussed below.

In terms of land rights, particularly affecting peasants, the cases were concerned with land conversion, the subdivision of landholdings covered under the agrarian reform program, land grabbing, and evictions. Land rights issues of farmers, especially working toward fast-tracking the release of Certificates of Land Ownership Award (CLOA) and Land Acquisition and Distribution (LAD), became prominent as well. Some awarded CLOAs have been reclassified by the government itself, upon request by parties with vested interests, to avoid agrarian reform coverage. There were also issues with the implementation of the Support to Parcelization of Land and Individual Titling (SPLIT). These issues could be traced

to the Philippines' land reform project, which remains an perennial issue with uneven and inconsistent results. The cases also covered farmer-to-farmer conflict, such as conflicts between heirs of CLOA holders, as well as tangential environmental-related issues (tree-cutting).

There was also a focus on legal cases pertaining to the environment, often involving extractive projects where huge gaps in the implementation of policies or violations of existing policies persist. These were found in metallic mining, coal mining, coal-fired thermal plants, agribusiness plantations, and energy projects. Common problems were identified among affected communities, including Ips: they are not consulted; their consent is vitiated; or the benefits are not fully granted to them. This typifies many of the cases.

Coastal resources management, as well as illegal commercial fishing activities, were also mentioned. Relevant laws were violated and fisherfolk communities were displaced.

In terms of gender and women's and children's rights, cases involved violence against women and children (VAWC), trafficking, cyber pornography, prostitution, and exploitation. Anti-discrimination ordinances lobbied for and written by the community were being put to the test. Procedural rules are also being tested, and duty bearers are challenged to introduce procedural rules which are more inclusive.

While large businesses or family-owned conglomerates figured in most of these cases, in some of these cases, it was found that duty bearers themselves did not comply with laws. Incidents of harassment were documented, which is not surprising given the culture of impunity that prevails in many of the places where resources abound and the resistance to large-scale development projects is strong.

For the LRC KII, strategic litigation

"has helped communities challenge discriminatory laws and policies, secure recognition of their rights to land and resources, and to defend against government exploitation. This type of litigation is the most effective way for IPs to assert their rights. It can be used to protect and promote their rights, as well as change policies and practices that violate these rights." The CLB also zeroes in on the difference between traditional and strategic litigation in that the latter necessarily "pushes for a certain advocacy. Test cases are filed to test the implementation of a law."

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## Key Findings 2 : **Activities**

The activities involved in strategic litigation run the gamut of litigation practices in general, including case handling, documentation, legal consultation or case conferences, and legal research. Acting as legal counsels, ALG members file cases before the local courts and the Supreme Court.

ALG members build the ability of communities not only to file cases but also to sustain them, which is an attribute of CCSL. Organizations assist communities in processing documents (in the Securities and Exchange Commission, for example), provide paralegal trainings, and court monitoring. On behalf of communities, organizations filed complaints before concerned agencies or worked with the latter for issuances concerning the communities, such as cease-and-desist orders (CDOs) and agency resolutions of support, among others.

ALG members also undertake community organizing to prepare and support the community. This includes providing capacity building and psychosocial support and organizing survivors to become advocates. Community members were even deputized as law enforcers and news correspondents and have been involved in quasi-judicial processes as witnesses. The key approach of strategic litigation goes hand in hand with the key approach of developing paralegals.

Meta-legal approaches, which complement the legal cases, are also undertaken by members in partnership with communities. This includes organizing a network of like-minded civil society organizations (CSOs). For instance, Bantay KASO was established to monitor cases or file cases or petitions, an innovative practice of which BALAOD was a part. Public protests, such a farmers' march to the Office of the President, are also organized along with other awareness-raising activities.

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## Key Findings 3 : **Outcomes**

Significant outcomes were achieved because of the legal empowerment approach.

A department circular from the Department of Energy (DOE) was issued recognizing IPs' community rights over energy sources, including the right to claim a fair share of benefits

benefits within their ancestral domains, an example of a material change resulting from strategic litigation.

One indigenous community believed that access to justice became achievable because of this approach. Communities became more familiar with policies, and their capacity was built in terms of knowledge of the law and processes, as well as lobbying and public campaigning skills. Working on the cases, in short, builds the capacity of the sectors involved. This is an example of nonmaterial change.

In one case with SALIGAN, farmers were eventually recognized as being party to a particular case. This resulted in confidence or capacity building where farmer-plaintiffs were encouraged to identify strategies for winning the case. Their opinion was crucial in the strategizing session where both the farmers and the lawyers decided on what to do. The farmers learned about court procedures and facilitated the filing of some pleadings in court or at the post office.

This legal empowerment approach resulted in actual halting of projects. One coal project owned by a powerful family-owned conglomerate was shut down. The certificate precondition issued by the NCIP for an agricultural plantation was canceled.

This approach also led to the creation of networks or formations, which supported the legal case(s), an important mechanism considering the long-gestating nature of the prosecution of cases in the country.

The legal cases, often strategic litigation, have raised awareness about various advocacy issues, including children's rights, for example. Legal cases and complementary lobbying also brought about important issuances, such as the promulgation of the Supreme Court of its Child Witness Rule. Protocols to the implementation of the law were also improved.

In the case of Tanggol Kalikasan, the outcomes were: (1) the rehabilitation, regeneration, and recovery of the natural flora, fauna, and processes in the mountain (some new species discovered, long-lost water resources coming back to life); (2) the cooperation of stakeholders, especially the communities at the foothills of the mountain; and (3) the implementation of a protection fund for a protected area.

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## Key Findings 4 : **Empowerment Indicators**

***“Litigation is needed for LGBTQIA+ people to reclaim the spaces they need and deserve.”***

*- Rainbow Rights*

### **Case filing and legal capacity**

Community empowerment could be gleaned from the very act of filing a case in court, which is often not an option for communities left on their own devices. For the LGBTQIA+ community, personal courage, as well financial wherewithal, are important considerations for deciding to file a case.

A community standing up to and refusing to allow the logging operations of a company shows how empowered a community is, having recognized their rights. “They have gained the confidence to engage local authorities and defend their rights even without the presence of lawyers,” said one respondent—a clear mark of empowerment. More women have also become active in paralegal work.

In the case of ELAC, strategic litigation, coupled with paralegal training, has become “an empowering tool that has exposed various community actors to the rigors of a proceeding, the difficulties and duration of a case before a final decision is made from the lowest to the Supreme Court, and even the threats and strategies of big corporations that come with the fight for their domain or their ward. ”

### **Case Monitoring**

The monitoring of the cases is another empowerment indicator according to respondents of BALAOD. Members choosing to continue the case is another as is remaining active in capacity-building activities. Filing cases before a government agency is a hallmark of empowerment.

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## Key Findings 5 : **Facilitating Factors**

### **Increased capacity**

The desire of communities to learn more about legal mechanisms to further their rights assertion is another indication as is active participation in proceedings. Those trained by Tanggol Kalikasan became resource persons themselves, inspiring others to take up their cause.

## **Mobilizing community members and other efforts**

In the experience of Tanggol Kalikasan, mobilizing the community against the proposed power plant was a sign of empowerment as was the production of information, education, and communication (IEC) materials on their own. They also crafted resolutions.

### **Lobbying**

Communities also conducted lobbying activities, as well as crafted local resolutions to support their goals. Strategic litigation as a key approach is complemented by another approach—that of policy reform.

The experience of SALIGAN captures the breadth of facilitative factors necessary for successful strategic litigation:

- Paralegal development or capacity building is necessary for strategic litigation.
  - » Farmer-paralegals acquired knowledge, attitude, and skills (specifically on agrarian reform and its implementation, highlight given on negotiation skills) that empowered them to actively participate, some even leading, in community efforts to address legal issues and other battles they are facing. The paralegals realized that their voice made a difference to the community.
  - » Acquiring skills and applying them increases confidence-building as they learn in the process.
  - » Presence of paralegals in the community lessens their dependence on lawyers, thus improving the access to legal processes and other remedies.
- Partnership and networking, as well as support from SALIGAN and other organizations, including CSOs, are another factor. Religious groups, the church, and other organizations gather support to raise funds for litigation expenses. Schools and students play a vital role in raising awareness of the social issues faced by marginalized, disadvantaged, and exploited people in society.
- The strategic litigation was bolstered by advocacy.
  - » The “Walk for Land, Walk for Justice” pilgrimage from Banasi to Manila caught the attention of both the public and key actors to the plight of the farmers (DAR Central Office, Office of the President) and created pressure to address the problem.

- » Additional legal tactics can be used simultaneously with court proceedings. The former may put pressure on the court to decide a case based on facts and law.
- » Determination and commitment are essential. According to one respondent: “Justice is not only for those who have money to pay and sustain the legal expenses; it is for everybody. If you fight for what is right and just.”

### **Community Support**

For the CLB, it is important to recognize that mothers of survivors have been the main source of support. Victim support is also critical to sustain cases, according to Rainbow Rights.

According to CLB, organizing survivors has empowered them, transforming them into “experiential advocates”.

### **Capacity building and advocacy**

The development of paralegals, establishment of networks, advocacy for national laws and local ordinances, implementation of these regulations, and awareness campaigns all contributed to success in this specific sector.

With the help of lawyers from LRC, IPs have learned about their rights and fought for them in court. *“Di kami mahadlok mag-file kami sang kaso. Kay nakatilaw na kami sa batasan sang kompanya. Nganong dili kami mahadlok? Kay naa na mi diha sa among yutang kabilin.”* (“We are not afraid to file cases because we had experienced abuses by the company. Why aren’t we afraid? Because we have since been living in our ancestral domain”), a *datu* said. Another *datu* said they have nowhere else to go, adding that they will die on their lands. *“Basta ang among yutang kabilin, tindogan namo na.”* (“We will fight for our ancestral lands.”)

### **Legal frameworks and mechanisms**

Some of the best practices involve applying certain laws to push forward rights, for example, the Mental Health Act for LGBT activism. The assertion for certain provisions of the Data Privacy Law is important for people who wish to protect their sexual orientation or do not wish to be outed.

There is also improved access to justice through detection, according to CLB.

### **Alternative Dispute Resolution**

In addition to litigation, other mechanisms such as dialogues and alternative dispute resolution methods have been employed to reduce the burden on individuals, particularly those from the LGBTQIA community. Exhausting administrative remedies of institutions,

schools, and companies provide avenues for dialogue. In this respect, procedures should be gender sensitive.

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## Key Findings 6 : **Challenges and Barriers**

***“For me, the state of agrarian justice is far from ideal. There’s no justice when the rights of the farmers are violated. There is no law for the poor, but the wealthy are given rights even though they are in the wrong because they have money. The rich for the rich.”***

*- Farmer in the agrarian reform struggle*

### **Justice system issues**

The barriers to the legal empowerment approach include the typically slow adjudication of cases. In the experience of Tanggol Kalikasan and community partners, paralegals shared that the case dragged on for nine years, only for it to be dismissed in the end. This affects people’s trust in the government, and peace and order in the community.

The justice system can be insensitive to survivors; law enforcers are not child-sensitive, for example. Family members themselves, in cases of child rights, can be uncooperative. A family reunification framework prevails.

Remoteness of communities needing assistance was also identified by ELAC as a barrier, servicing an island province of still many rough terrain.

### **Bureaucratic malaise and weak governance**

There is a persistent bureaucratic malaise where cases that need to be addressed are ignored, according to respondents of Rainbow Rights, a sentiment echoed by other respondents and organizations. This includes duty bearers not taking action or supporting IP rights—government authorities who are not aware, if not unsupportive of IP rights. In the experience of the group pushing for farmers’ rights, court decisions were almost always against farmers. Government agencies mandated to serve farmers’ issues were unresponsive. Respondents of Kaisahan who served as Barangay Agrarian Reform Council (BARC) chairpersons bemoaned the absence of compensation despite their crucial role in the LAD process.

The referral system and job scope of government agencies were slow and unclear, hindering the ability of VAWC desk officers, for instance, to resolve VAWC cases, as noted by WLB. Additionally, there are threats from abusers, particularly when these abusers are incarcerated.

The LGBTQIA+ community, meanwhile, identified the lack of gender sensitivity of the police, prosecutors, and duty bearers such that there are instances of doxing, outing, and double victimization.

In the case of ELAC, respondents mentioned challenges around the effective implementation of policies/laws, huge gaps or problematic implementation on the ground, and the absence of a city ordinance to ensure the continuity/sustainability of a program.

### **Lack of community capacity**

For the LGBTQIA+ community, the lack of knowledge of relevant laws is also a barrier; many survivors are not aware of their rights, a condition made worse when even government personnel are unfamiliar with their mandates.

The health and age of paralegals is a factor, as is their anxiety from handling cases or issues. The community's lack of experience and exposure to the legal process is another one. The reluctance of members to file cases and their fear of reprisals are also contributing factors. Communities need to surmount a lot of uncertainty, especially during the case build-up. For PEJC, for example, the lack of experience and exposure of members to issues, as well as the hesitancy of community members to file complaints directly with the LGU, were significant challenges.

Paralegals suffer from a lack of resources; while some are not able to muster enough confidence to engage with local authorities. They must also balance personal or domestic burdens with volunteer work.

There also is a lack of cooperation among the members for some sectors and an inadequate knowledge of relevant laws and mechanisms. Time constraints also exist.

The high turnover rates among lawyers also plague the sectors, especially in the realm of children's rights.

### **Harassment and intimidation**

There were threats to safety and security issues in many of the communities.

Communities that are vocal often face harassment and frequently endure strategic lawsuits against public participation (SLAPP) cases. Community partners of PEJC have been harassed for making a stand on the commercialization of coastal areas. They have gone against powerful forces, taking on a powerful political clan supportive of commercial fishing. Government inaction on their issues has worsened their struggle. LRC's IP community partners also need to confront SLAPP suits filed against, such as trespassing in their own

ancestral domains. Kaisahan partner-paralegals have also faced threats to their safety and livelihoods.

Communities also experienced how consenting to a “development” project can prove disastrous when they reject its renewal; the FPIC process can easily be twisted or vitiated. The law does have its limitations. The Review United Nations Convention on the Rights of the Child (UNCRC), for example, suffers from weak implementation.

## **COVID-19**

Especially during the period of pandemic, when the Philippines was under a prolonged State of Public Health Emergency, travel and mobility restrictions were also identified as challenges.

## **Culture and attitudes**

For indigenous youth, respondents reported apathy, as well as a tendency to be lured by mainstream lowland culture. The constraining conditions of their abject poverty, aggravated by tenure rights issues faced by their community, often motivate, if not force, young indigenous people to seek wage work.

For women, cultural and economic barriers prevent their participation in legal empowerment and policy advocacy work. For example, for the Menuvu Dulangan IP, some women could not act without the consent of their husbands. These could be traced to a lack of education, as well as personal barriers and the burden of care work.

Relatives pressure survivors to drop cases in the child rights sector. A support system for victims is not in place.

## **Emergency response**

There is a lack of immediate legal assistance on the ground (for emergency cases).

## **Governance**

There is a lack of data and a central database, and a lack of coordination among enforcers of child rights.

Government officials are not cognizant of the rights of people who are possible litigants. While there much rhetoric on government’s observance of the general tenets of human rights, many of the respondents report otherwise.

# Case Study 1 : **Hacienda Vicenta Farm Workers' Association**



## **Summary:**

The case involves a 27-hectare land in Cabacungan, Negros Occidental, initially under CARP coverage which was, however, opposed and resisted by LN Agustin Farms. Despite potential distribution to 32 ARBs, the DAR granted the land's conversion, triggering legal battles. Farmer-beneficiaries faced challenges like lack of organization, threats, and inadequate legal support. Notably, Eden Entroduction's paralegal training by Kaisahan empowered her and the community, enhancing legal understanding and securing resources for their fight.

## **Key points:**

- Land conflict overview: CARP-covered land converted to commercial/residential use, sparking legal disputes.
- Paralegal empowerment: Eden Entroduction's training with Kaisahan led to improved legal understanding, resource mobilization, and community security measures.
- Ongoing struggles: Lack of government response and constant threats challenge the farmer-beneficiaries' resolve to pursue their objectives.
- Importance of paralegal support: Paralegal knowledge and empowerment prove to be crucial in asserting land and human rights amidst legal and systemic challenges.

The case study delves into a complex legal battle over 27 hectares of land under the CARP in Cabacungan, La Castellana, Negros Occidental. Valued at PHP 11.5 million, this land was slated for distribution to around 32 potential Agrarian Reform Beneficiaries (ARBs). However, LN Agustin Farms contested this coverage, leading to a protracted legal conflict.

LN Agustin Farms pursued the conversion of the CARP-covered land from agricultural to commercial/residential use, despite resistance from ARBs. The DAR eventually granted this

conversion, prompting ARBs to file an appeal, which was subsequently dismissed by the DAR. Faced with these setbacks, the ARBs sought further redress by appealing to the Office of the President (OP). However, after months of waiting without updates, they contacted the OP and DAR for clarification but received no response, leaving the ARBs in confusion as their case seemed to be in limbo.

One of the initial challenges faced by the ARBs was their lack of organization and legal knowledge regarding agrarian reform and land rights. This was compounded by the absence of strong community leadership, heavy reliance on volunteers, and limited resources. The delay in the delivery and receipt of legal notices and quasi-judicial body orders during the height of the COVID-19 pandemic further hindered their actions and access to legal assistance. Additionally, finding legal representation was difficult due to LN Agustin Farms' influential network, including ties to government officials.

Throughout their legal struggle, the ARBs encountered threats and intimidation tactics from various entities, leading to property demolitions and displacement of families within the community. Key leaders like Eden Entroduction faced personal threats, forcing her to temporarily relocate for safety reasons. The lack of a clear response from the DAR, coupled with the reversal of decisions and bureaucratic delays, added to the frustration and challenges faced by the ARBs.

In response to these obstacles, the ARBs sought assistance from CSOs, such as Kaisahan and Partido Manggagawa (PM). Through these partnerships, they accessed legal counsel, navigated complex legal processes, and received support in advocating for their rights. However, their dependence on external advice and limited autonomy in decision making highlighted the need for enhanced knowledge and empowerment among ARBs.

In 2021, a turning point presented itself when Eden Entroduction participated in a paralegal training session organized by Kaisahan. In this training, featuring experts in land rights and legal procedures, Eden and other ARB leaders were equipped with essential knowledge and strategies to effectively assert their rights. Aside from seeking legal empowerment, the ARBs also sought financial support and established communication systems to address security concerns and threats to their community safety.

Despite ongoing uncertainties and the lack of definitive government action, the ARBs remain steadfast in their pursuit of land rights. Continued engagement with relevant agencies, effective advocacy, and the critical role of paralegal support highlight the importance of legal empowerment and collective action in defending marginalized communities' rights. The case underscores the resilience and determination of ARBs like Eden Entroduction and the imperative of reinforcing legal knowledge and autonomy within grassroots movements.

## Case Study 2 : **Banasi Farmers**



### **Summary:**

The Banasi case which emanated from Bula Municipality in Camarines Sur exemplifies the arduous struggle of 57 ARBs who were awarded CLOAs under the Comprehensive Agrarian Reform Program (CARP) in 1997, highlighting the broader theme of agrarian reform's role in rectifying historical injustices. The legal battle began even before CARP's implementation and involved disputes over land classification, possession, and conflicting court judgments. Despite initial setbacks and challenges from former landowners seeking exclusion from CARP coverage, the ARBs persevered through legal empowerment programs, strategic interventions, public mobilization, and advocacy efforts.

### **Key points:**

- **Legal issue:** The case centered on conflicting judgments regarding the immutability of court decisions versus the ARBs' rights as beneficiaries of agrarian reform.
- **Legal maneuvers:** ARBs utilized legal empowerment programs and tapped SALIGAN's support for intervening in court proceedings and appealing decisions that favored former landowners.
- **Strategic actions:** ARBs engaged in extra-legal tactics like protest marches, information drives, and advocacy campaigns to gather public support and pressure authorities towards a just resolution of the case.
- **Resolution:** The Supreme Court ultimately ruled in favor of the ARBs, recognizing their ownership rights over the CARP-covered lands and overturning judgments which favored former landowners.
- **Key learnings:** The case highlights the importance of legal empowerment, strategic legal interventions, and public mobilization in defending the rights of marginalized sectors and achieving justice in land disputes.

The Banasi case in Camarines Sur, Philippines, represents a poignant saga of legal battles, grassroots activism, and the pursuit of justice within the framework of agrarian reform. Situated in the Municipality of Bula, Camarines Sur, Banasi became a focal point for the struggles of 57 ARBs under CARP administered by the DAR. The case involves the complexities of land ownership, conflicting legal judgments, grassroots mobilization, and the role of legal empowerment in securing the rights of marginalized communities.

The genesis of the Banasi case predates CARP's inception, with two farmers initially engaging in quarrying activities on the land in question. Over time, these activities evolved into rice cultivation, eventually leading to the issuance of a Certificate of Land Transfers (CLT) under Presidential Decree No. 22 in favor of then four farmworkers involved. However, a subsequent petition filed before the DAR sought to cancel the CLTs, arguing that the land was designated for pasture and livestock use, categorizing the farmers as squatters or informal settlers. This initial legal skirmish set the stage for a protracted legal battle that would span decades.

As the legal proceedings unfolded, including appeals to higher authorities such as the Office of the President (OP) and the Court of Appeals (CA), the farmers faced compounded challenges from former landowners seeking to exclude the land from CARP coverage. Despite initial victories in securing CARP coverage and the issuance of Certificates of Land Ownership Award (CLOA) to the 57 farmer-beneficiaries, the case took a dramatic turn when the OP, under then Executive Secretary Ermita, granted the former landowners' petition for exemption from CARP coverage in 2008. This decision nullified previous orders, including the CLOAs granted to the farmers, plunging their land rights into uncertainty once again.

Faced with this setback, the farmer-beneficiaries mobilized in an unprecedented manner, undertaking a symbolic yet impactful journey from Bula in Camarines Sur to Malacañang in Manila, covering a distance of 444 kilometers, to petition then President Gloria Macapagal-Arroyo for a reversal of the OP's decision. This display of collective action and advocacy brought national attention to their plight and showcased the power of grassroots mobilization relevant to the triumphant pursuit of justice.

Simultaneously, legal strategies evolved to include interventions by organizations, such as SALIGAN, which conducted a comprehensive paralegal formation program for the farmers. Through this program, 25 Banasi farmers went through rigorous training on legal processes, human rights, and advocacy skills, empowering them to actively participate in their legal defense in their case which reached the Supreme Court. Their legal empowerment proved to be pivotal in strengthening their claims over the land, gathering and presenting evidence, and strategizing their legal battle.

The legal complexities of the case revolved around the doctrine of *immutability of judgment* versus evolving circumstances and the rights of the farmer-beneficiaries as ARBs. The Court's decision to grant the petition for Certiorari reflected a nuanced understanding of these

complexities, emphasizing the need to balance legal principles with the pursuit of justice in light of new facts and circumstances, such as the issuance of DAR CLOAs and the evolving legal landscape.

The resolution of the Banasi case was a significant victory for the farmer-beneficiaries, affirming their rights as owners of the land under CARP coverage. It underscored the importance of legal empowerment, strategic partnerships, and grassroots mobilization in safeguarding the rights of marginalized communities and upholding the principles of agrarian reform.

Beyond the legal arena, the Banasi case also highlighted the power of public advocacy, strategic alliances with civil society organizations (CSOs), and the role of mass media and other stakeholders in amplifying the voices of marginalized communities. The farmers' journey from local struggles to reaching national platforms for advocacy demonstrated the transformative potential of collective action and legal empowerment towards social justice objectives.

The Banasi case captures a multifaceted narrative of legal battles, grassroots activism, and the quest for justice within the context of agrarian reform. It serves as a testament to the resilience and determination of marginalized communities in asserting their rights, navigating complex legal landscapes, and mobilizing collective action to effect meaningful change.

## Case Study 3 : ***Banahaw Protected Landscape***



### **Summary:**

The Mount Banahaw-San Cristobal Protected Landscape (MBSCPL) case underscores the significance of this intact forest ecosystem, which is crucial for the communities' water supply, biodiversity, agriculture, and religious rituals in the provinces of Quezon and Laguna. Despite its importance, annual desecration during the Holy Week traditions and human activities like farming and tourism led to environmental degradation and water source depletion, thus necessitating intervention. Through the National Integrated Protected Areas Act (NIPAS) Act and MBSCPL-PAMB, community participation was encouraged, leading to initiatives like workshops, patrols, and media involvement. The closure of MBSCPL from 2004 to 2009 resulted in wildlife revival and water source regeneration, highlighting successful conservation efforts. However, challenges persist, including resource limitations and the need for ongoing support for sustainable conservation mechanisms. Effective information campaigns, stakeholder coordination, and the exercise of political will were vital in achieving positive outcomes, but further efforts are still needed to ensure long-term protection and conservation of MBSCPL.

### **Key points:**

- Description and importance of MBSCPL:
  - » Spans Quezon and Laguna provinces, covering 11,133 hectares with three peaks and vital water supply for 1.5 million people.
  - » Biodiversity-rich ecosystem, important for agriculture and religious rituals.
- Challenges faced:
  - » Annual desecration during Holy Week by pilgrims leads to garbage accumulation and environmental degradation.

- » Activities like slash-and-burn farming, timber poaching, and irresponsible tourism worsen the situation.
- Legal framework and initiatives:
  - » NIPAS Act established MBSCPL-PAMB for community participation in environmental management.
  - » TK and FPE led workshops, biodiversity monitoring, patrols, and media involvement.
  - » Closure of MBSCPL from 2004 to 2009 through PAMB Resolution No. 1.
- Results and learnings:
  - » Closure of the MBSCPL led to the revival of wildlife and water sources, highlighting the effectiveness of conservation efforts.
  - » Challenges remain in terms of sustaining closure due to resource limitations and lack of support staff.
- Facilitating factors for success:
  - » Effective information campaigns, stakeholder coordination, and political will were crucial in achieving success.
  - » Cooperation among stakeholders, including LGUs, NGOs, and the community, contributed to positive outcomes.
- Future considerations:
  - » Need for sustainable mechanisms to ensure ongoing protection and conservation of MBSCPL.
  - » Implementation of Integrated Protected Area Fund (IPAF) and legislation are key steps moving forward.

Despite the enactment of the NIPAS Act in 1992 and the establishment of the MBSCPL-PAMB, Mt. Banahaw has faced continuous degradation due to slash-and-burn farming, forest fires, timber poaching, and irresponsible practices by mountain climbers, modern pilgrims, and urban nature trippers. These activities have resulted in the accumulation of tons of garbage, including styrofoam boxes, empty wine and soft drink bottles, water bottles, cans, and even baby diapers and female sanitary napkins littering almost every part of the mountain.

The situation worsened as the once-abundant water in the fragile watershed has been depleted due to human negative interventions. This has led to the drying up of the mountain's springs, waterfalls, and other traditional water sources relied upon by lowland communities. The severity of the situation is highlighted by a study conducted by the Southern Luzon State University, which found the presence of fecal coliform bacteria in the Santa Lucia River and other nearby bodies of water in the area. In response, the Municipal Water District of Dolores had advised the people of Dolores to boil their water for public safety.

Tanggol Kalikasan, through the financial support of Foundation for the Philippine Environment (FPE), facilitated all stakeholder sharing and consultation workshops and planning—or Bahangunian para sa Bundok Banahaw from the barangay or village through the town or municipal level up to the provincial LGUs. Tanggol Kalikasan also involved the mainstream media and trained and organized barefoot journalists or Kalikasan News Casters (Kalicasters) from the communities, as well as paralegals to document and report environmental issues and problems in MBSCPL-PAMB.

Tanggol Kalikasan also facilitated regular patrols and conducted community-based biodiversity monitoring (BMS) with the Kalikasters, media, academe, NGOs, POs, and LGUs, as well as national government agencies, religious organizations, schools, youth groups, and the Armed Forces of the Philippines. This collective efforts towards BMS also strengthened the rationale for the decision to close Banahaw. Photo documentation was conducted as part of the BMS to assess the degree of deforestation in critical areas within the municipalities of Sariaya and Dolores.

In this context, the communities located around the foothills of the mountain and the national and local media of the Provinces of Quezon and Laguna actively participated in the call for immediate actions to address that issue. They urged the MBSCPL-PAMB, through a formal petition letter, to close off the mountains. Despite the limitations of the PAMB, they collectively performed their task accordingly. They sealed off the strategic entrances to the mountains, following a five-year closure of MBSCPL from 2004 to 2009 through the MBSCPL-PAMB Resolution No. 1, series of 2004.

Due to the collective efforts to protect and rehabilitate the mystical mountain, the long-lost water sources are once again gushing back to life from the bosom of Mt. Banahaw in Quezon province. The once-dried Kristalino Falls, for instance, has now a refreshing mini-lagoon at its base. This development contributes to initial positive outlooks that the closure effectively works to regenerate the resources found in the MBSCPL.

At the moment, however, there is still an urgent need to bridge the gap to fully lay down the sustainability mechanisms toward the realization of MBSCPL protection and conservation.

## Case Study 4 : **Wounded Land**



### **Summary:**

The T'boli-Manobo, Menuvu-Dulangan, and Teduray indigenous peoples (Ips) have faced severe challenges in reclaiming their ancestral lands and in asserting their right to self-determination, being disrupted by logging and coffee plantation operations of companies like Silvicultural Industries (SII) and M&S Company. This dispossession has led to violence, including killings of indigenous leaders, undue restrictions on land use, and harassment by company guards. Despite engaging in legal battles and efforts to assert their rights through government institutions like the NCIP and the courts, their challenges persist, highlighting the importance of legal empowerment and documenting abuses to defend their ancestral domain effectively.

### **Key points:**

- **Dispossession of ancestral Lands:** Indigenous communities like the T'boli-Manobo, Menuvu-Dulangan, and Teduray IPs have been dispossessed of and excluded from their ancestral lands and right to self-determination due to logging and coffee plantation operations by companies like SII and M&S Company, which are subsidiaries of DM Consunji Inc. (DMCI).
- **Conflict and violence:** The companies' operations have led to conflicts, violence, and killings within the indigenous communities, allegedly involving military personnel and company private guards.
- **Legal empowerment initiatives:** Supported by LRC, the community took legal empowerment initiatives, including filing of cases against the logging company, lobbying before government agencies like the NCIP and DENR, and seeking justice through the courts.
- **Paralegal training:** Indigenous leaders, women, and youth have undergone paralegal training to protect their rights, document abuses, and advocate for themselves in legal proceedings.

- Lessons: Lessons learned include the importance of legal empowerment for IPs to assert their rights, engage with authorities, and defend their ancestral lands and resources.

The T'boli-Manobo, Menvu-Dulangan, and Teduray IPs, indigenous communities in South Cotabato, Sultan Kudarat, and Maguindanao, have faced significant challenges in reclaiming their ancestral lands and asserting their right to self-determination. This struggle began with the encroachment of SII and M&S Company, subsidiaries of DMCI, into their ancestral territories for logging and coffee plantation operations. The companies' actions have led to a series of injustices and conflicts..

Reportedly, DMCI, through SII, has operated a large coffee plantation spanning several indigenous villages. The companies' continued operations have resulted in cases of violence, including the brutal killings of indigenous leaders and members of the Taboli-Manobo S'daf Claimants Organization (TAMASCO) by military personnel allegedly linked to the companies. Additionally, villagers have reported instances of intimidation, theft, and land grabbing by company private guards, who act as Special Civilian Armed Forces Geographical Unit Active Auxiliary (SCAA) and provide protection to the companies.

The indigenous communities have also faced legal hurdles in their quest for justice and land rights. Despite efforts by TAMASCO and other affected communities to challenge the companies' operations--including issuing resolutions of non-consent and seeking legal remedies through the NCIP and the courts- progress has been slow. The merging of Integrated Forest Management Agreements (IFMAs) without consent of the community and the DENR's non-enforcement of cancellation orders have further complicated the situation.

In response to these challenges, the indigenous communities have engaged in legal empowerment initiatives with LRC, including paralegal training and documentation of abuses. This capacitated them to assert their rights, defend their ancestral lands, and navigate the legal system more effectively. The importance of legal empowerment is underscored by the lessons learned from their experiences, as expressed by Dande Dinyan, TAMASCO Chairperson, who emphasized the need to fight for what is right despite facing powerful adversaries.

Despite ongoing legal battles and the complexities of land tenure issues, the indigenous communities remain resilient and determined to reclaim their ancestral domain. Through collaboration with support groups, mapping their land claims, and advocacy of their rights, they continue to assert their cultural identity, sustain their livelihoods based on subsistence farming, and seek justice for past and ongoing injustices. Their struggle highlights broader issues of indigenous rights, land dispossession, and the importance of legal empowerment in addressing systemic challenges faced by indigenous peoples in asserting their rights and preserving their cultural heritage.

## Case Study 5 : ***Anti-Child Pornography Law***



### **Summary:**

This case study underscores the complexities of addressing online sexual abuse and exploitation of children (OSAEC), the need for comprehensive support for victims, and the importance of ongoing advocacy and policy improvements in combating online child exploitation.

### **Key points:**

- Emergence of OSAEC in Cordova: CLB became aware of OSAEC in Cordova between 2008 and 2009, leading to the filing of two cases between 2010 and 2012.
  - » Case 1: People of the Philippines vs. Taruma: This case revealed the modus operandi of OSAEC, where children were lured to perform explicit acts in front of webcams for payment by foreign viewers. CLB filed the first case under the Anti-Child Pornography Law, testing its application and raising awareness about the issue.
  - » Case 2: People of the Philippines vs. Escoreal et al.: This case resulted from a rescue operation of minors engaged in OSAEC. One perpetrator was the mother of a victim, highlighting the involvement of parents in exploiting their children through online platforms.
- Similarities and differences: Both cases involved minors engaging in explicit acts online, with delays and plea-bargaining agreements in legal proceedings. The challenges included system insensitivity, trial delays, and the need for sensitive handling of victims.
- Lessons: CLB emphasized the importance of legal empowerment, aftercare for victims, sustained advocacy, and the use of holistic approaches involving all stakeholders to address OSAEC effectively.

- Recommendations: CLB suggested exploring ways to make legal representation for child victims more permanent, institutionalizing special advocates for children in court proceedings, and ensuring plea bargaining agreements serve the best interests of victims.

The issue that led to the two cases is OSAEC, which was emerging as a problem in certain barangays in the municipality of Cordova, Cebu. It was like a “community livelihood program”, and community members were not receptive to awareness-raising activities on the issue. What was worse was that parents were exploiting their own children. During the first awareness-raising activity in the area, only a few people attended. The succeeding awareness-raising activities conducted by the Child’s Rights Protection Unit were then disseminated as a recollection session for parents and children. This was where children disclosed that they were being forced by their parents to perform the online shows. Yet, it was understandable that they refused to file cases against their own parents.

CLB recognized the crucial role of awareness in combating OSAEC and took proactive steps to raise awareness among community members and children themselves. By assisting clients in filing the first OSAEC case in Cordova and engaging in policy advocacy, CLB not only tested the Anti-Child Pornography Law but also sparked increased reporting and awareness, serving as a deterrent against such illegal activities. Despite challenges like system insensitivity and case delays, CLB supplemented legal action with empowerment programs and policy advocacy, thereby highlighting the multifaceted approach required to effectively address and prevent OSAEC.

The law serves as a crucial tool in combating OSAEC by enabling the filing of cases and the arrest of perpetrators, thereby deterring others from engaging in similar illegal activities and encouraging more stakeholders to step out and report on OSAEC cases known to them. However, challenges arise post-filing, with the most significant ones involving trial delays and turnover of legal personnel., This highlights the need for more permanent legal representation and institutionalized support for victims, such as Court Appointed Special Advocates/Guardian Ad Litem (CASA/GAL) Volunteers. Plea bargaining, while an expedient solution in some cases, must prioritize the best interests of the child and should not be the norm. The concerned government offices must ensure fairness and avoid giving undue pressure on victims so they may be convinced to agree to what is offered or presented to them. These complexities underscore the ongoing need for systemic improvements and specialized support to help the children and their protectors navigate the legal intricacies and rights of children involved in OSAEC cases effectively.

The victims themselves should be given not only legal but also psychosocial interventions and eventually be empowered to know their rights and protect themselves from revictimization. Given the appropriate services and opportunities for education, they can still become useful members of society. Furthermore, they can become experiential advocates, working with government and community leaders to prevent other children from becoming

victims of similar crimes and abuses. With their own experiences, they can persuade more children and parents to cooperate and participate in actions which prevent victims falling prey to OSAEC.

To address OSAEC, a holistic approach is needed from prevention to protection and rehabilitation. All stakeholders, including the community members, the children-victims themselves, law enforcement agencies, prosecution, local government, and other concerned parties, must collaborate to effectively address OSAEC. Only through collective action and cooperation can this problem be adequately addressed and ultimately eliminated.

## 4.2 POLICY REFORM

***“Indigenous communities in Buhi and Tiwi agree that there are enough policies, but they maintain that these are not implemented or are taking too long to implement.”***

***- Tanggapan Panligal ng Katutubong Pilipino***

Policy reform or advocacy initiatives are geared toward institutional changes and development. The initiative processes are also avenues to empower communities through their participation in policy reform advocacy, lobbying, and enforcement monitoring. The Organization for Economic Co-operation and Development (2006) defines policy reform as a process wherein laws, regulations, and institutions are subjected to change in order to resolve social problems or reach an objective such as environmental conservation or poverty reduction.

There are generally four types of policies: substantive, regulation, distribution, and redistribution (Pepperdine, 2023). Substantive policies refer to correcting

core social issues. Regulation ensures ethical and compliant industry behaviors to protect public interest. Mandating the fair distribution of benefits and resources falls under distribution. Finally, redistribution refers to financial decisions, such as taxes, that have a bearing on income inequality and the allocation of resources.

Policy reform is a complex process that entails “search processes that are socially embedded and thus subject to socio-cultural traditions and preferences, as well as political interests of manifold stakeholders. As such, they usually entail elements of trial and error, negotiation, and consensus-building, and are necessarily open-ended with regard to outcomes” (German Development Institute, 2007).

Lindquist (2011) contends that ideal policy reform must then emanate from the ground up: communities’ experiences and needs form the basis for stakeholder groups and strategies for policy change. Evidence suggests that reforms achieve success when communities are supporting them to some degree. Most governments, unfortunately, undertake policy reform only in times of crisis (Lindquist, 2011).

Policy reforms are often dynamic and evolve according to the incumbent leaders' inclinations and the clamor from interest groups. Special interest groups who lose out to reforms typically seek to reverse or work around hard-fought gains (Lindquist, 2011). Those who wish to protect their "economic rents or privileges... are likely to use their political power to prevent" policy reform from working (Acemoglu et al., 2008, p. 353). Hence, consolidating wins from policy reforms is an important pillar of conceptualizing and sustaining reform strategies (Lindquist, 2011). It is important to note that the success of reforms largely lies with the available and enforceable "constraints on politicians and on the policymaking process" (Acemoglu et al., 2008, p.354).

Meanwhile, policies forged through advocacy are thought to be more effective (Kastens & Newig, 2008, as cited in Gen & Wright, 2013), and result in benefits across a wider spectrum of publics (Gallagher & Jackson, 2008, as cited in Gen & Wright, 2013), and are ultimately found more valuable by citizens (Smith & Huntsman, 1997, as cited in Gen & Wright, 2013). Public advocacies also have the added effect of improving governance itself by influencing the government leaders to address public clamor (Frederickson, 1982, as cited in Gen & Wright, 2013).

In the Philippines, one of the most emblematic policy reforms is the passage of the Reproductive Health Act or Republic Act No. 10354. This law mandates the availability of birth control products and information to people living in poverty, reproductive health education in public

schools, and post-abortion care for women. The enactment of the law took more than two decades, with the Catholic Church as its fiercest opposition. Challenged upon its passage, the constitutionality of the statute was upheld by the Supreme Court in 2012. ALG was a part of this advocacy.

This section examines similar struggles for policy reforms, which are typically arduous, long, and susceptible to policy reversals. One example is the One Palawan Movement, a CSO-led group which faced and triumphed against unbelievably difficult odds. Another emblematic example is the March of the Sumilao Farmers from Kisolon, Sumilao, Bukidnon to Manila, which campaign created the perfect storm of pressure points to help them achieve their goal of land ownership.

Policy reform initiatives of ALG members are often pursued in parallel to access to justice options and interventions in order to create a more pervasive ripple effect across broad sectors. Policy reforms may also be localized in nature, where national policy reform takes too long or are not feasible.

Many policy reforms pursued by ALG members were directed at (i) distribution and regulation policies, principally around the environment and (ii) substantive reforms for women, children, and the LGBTQIA+ community.

Policy reform falls under the rubric of social accountability, which refers to processes led by citizens who demand accountability outside of electoral systems (Joshi, 2017). It is for this reason that government election-related tactics were not considered in this

report. Joshi (2017) finds that to be effective, social accountability strategies must go hand in hand with legal empowerment.

## **Why was this KLEA pursued?**

For CLB, policy reform is an integral part of the child's rights legal aid framework. The current legal framework and legal system are not entirely favorable to children, as these do not fully comply with the United Nations Convention on the Rights of Children (UNCRC), which may be due to deficiencies in the law itself or its implementation. Therefore, there is a need for policy advocacy and reform to address these gaps and ensure better protection and rights for children.

For ELAC, awareness of rights gives rise to informed and action-oriented community leaders who are capable of creating a consultative system within their communities (whether involving other barangays or solely their own) about the actions to take when there is a threat to their environment. ELAC's policy reform initiative is not unilateral; rather, it involves multiple partnerships with community leaders and stakeholders, emphasizing a collaborative approach towards advocacy and action.

For instance, policy reform was undertaken by PANLIPI and its partners to ensure fair and equitable benefit sharing for IP communities in National Power Corporation (NPC)-managed watersheds.

***“Yang enerhiya po kasi mula sa isang malaking planta dito... nakakuha po sila sa ancestral domain, dapat po maibalik... pakinabangan din ng ating mga IP dito sa Tiwi”***

(“The energy from the power plant inside the ancestral domain must also benefit indigenous communities in Tiwi”), said one respondent.

LRC's community partner, the Timuay Justice and Governance (TJG), meanwhile, dedicated its efforts to crafting the Indigenous Peoples' (IP) Code, following the establishment of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) through the enactment of the Bangsamoro Organic Law (BOL). The IP Code called for creating a Ministry for Non-Moro Indigenous Peoples (NMIP) that will ensure the recognition, protection, and promotion of the rights of NMIPs in the BARMM. TJG's advocacy for the IP Code establishment is also their strategy to promote access to justice and to address the historical injustices committed against IPs. Specifically, the IP Code seeks to protect their rights to ancestral domains, customary laws, and self-governance structures. In the process, TJG conducted several consultations and workshops among six (6) ethnic groups in the BARMM. The final draft of the IP Code was submitted to the Bangsamoro Transition Authority in 2018; but, until now, it is still pending enactment.

Meanwhile, BALAOD advocated and lobbied for the Cagayan Diversity and Equality Ordinance (CDEO) because of its far-ranging implications for human and LGBTQIA+ rights in Cagayan de Oro City in Mindanao. According to BALAOD, CDEO is a comprehensive ordinance that goes beyond sexual orientation, gender identity, expression, and sex characteristics (SOGIESC). It covers other factors as attributes of discrimination, such as age, religion, ability, social class, ethnicity, and gender. The ordinance does not only focus on punishments but also highlights affirmative actions for various actors. It also stipulates a reporting and referral mechanism for people to access and utilize when they need it.

Rainbow Rights has been performing similar work on anti-discrimination ordinances and the right to privacy of people living with HIV.

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## Key Findings 1 : **Typology of Policy Reforms**

Policy reforms typically involve land rights, agrarian reform, environment, and fisherfolk issues, such as encroachment of commercial fishers on municipal waters and illegal fishing in protected areas.

Campaigns against extractives—from metallic to coal mining—also figured prominently. There are also issues in the energy sector, especially when it comes to beneficial sharing for IPs for energy projects in ancestral domains and watershed management issues for watersheds found in ancestral domains.

Reforms around VAWC and gender justice also exist, including gender equality, elimination of discrimination against the LGBTQIA+ community, and rights of children. Recognition of IPs' rights, especially in areas which overlap with other peoples, had likewise surfaced.

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## Key Findings 2 : **Activities**

Activities toward achieving policy reform includes policy dialogues, lobbying, drafting of petitions to agencies, signature campaigns, and networking. Developing policy champions at local and national levels is also another tactic.

For example, community leaders participated in the drafting of policy recommendations during a series of consultations with IP communities. Nationwide community consultations were conducted, along with mobilization of communities and community participation in monitoring teams. This was true

for the drafting of the Alternative Minerals Management Bill (AMMB).

Research and data banking were found to be helpful. Scientific experts were also tapped for projects, for example, in the “Save the Beauty of La Union” campaign of Kanlungan and other organizations against the building of a coal fired power plant (CFPP). In the same campaign the group drafted position papers that were submitted to city and provincial governments, as well as government agencies at national and regional levels.

Organizations also contributed by providing inputs to local councils responsible for policymaking, ultimately assisting in the enactment of codes and regulations (e.g., marine sanctuary and mangrove plantation). Information and Education Campaign (IEC) materials on the enacted codes were also developed to popularize the content of the codes.

Community organizational strengthening and capacity-building activities (i.e., learning sessions and briefings), in energy reform, for example, were also conducted, including exposure trips for stakeholders.

At the village level, one organization created an anti-VAWC office and shelter, facilitated the participation of women in gender and development (GAD) planning and budgeting, and initiated livelihood activities for women.

Organizations also engaged their publics in various platforms, from national to regional to global, often serving as resources persons for learning activities.

In the case of the Teduray and Lambangian, they participated in the crafting of a code that would safeguard their rights within the territory of Muslim Filipinos in Mindanao—the Bangsamoro.

BALAOB was part of the coalescing of NGOs as KASO, a watchdog for trafficking cases. BALAOB rolled out a series of activities toward the passage of the CDEO, as well as other ordinances. This included lobbying or participation in campaigns for the passage of various laws/ordinances (e.g., CDO Children’s Welfare Code, Parental Responsibility Code, and Travel of Minors Ordinance). They also provided inputs for local councils/groups responsible for formulating and enacting local ordinances (e.g., CDEO). Finally, KASO also helped stakeholders become more sensitive to the possibility of traumatization and re-traumatization of children during interviews and documentation.

Kaisahan’s policy work engaged farmer-paralegals in critical discussions concerning agrarian reform policies. Despite their limited experience, the paralegals actively participated in discussions and worked on policy reform initiatives.

To push for policy reforms regarding mineral resources in the Philippines, LRC convened the SoS-Yamang Bayan Network, a coalition of various NGOs and POs pushing for the enactment

of the Alternative Minerals Management Bill (AMMB) as an alternative to the existing Mining Act. Kaisahan continuously pushes for the National Land Use Act (NLUA) through CLUP (Comprehensive Land Use Plan) Now!, a multi-sectoral network supporting the passage of NLUA. Both conglomerates attend technical working group discussions and hearings at the House of Representatives and the Senate, acting as the groups' representatives/resource persons and help monitor legislative developments. Key recommendations for both legislative proposals were derived from consultations with affected communities.

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## Key Findings 3 : **Outcomes**

### **Enhanced capacities**

One of the significant outcomes was the establishment of a group that advocated for the creation of an anti-VAWC office, establishment of shelters, and influencing the allocation of budgets for GAD initiatives. Women legal advocates showed a marked improvement in their knowledge, skills, and attitudes. Communities also achieved increased capacity in terms of lobbying and campaigning.

### **Policy reform**

In the realm of energy reform and IP rights, PANLIPI and its partners exerted considerable effort to introduce reforms, particularly focusing on Energy Regulation (ER) No. 1-94. ER 1-94 prescribes the rules and regulations for providing direct benefits to local governments, communities, and affected people in the areas that host energy resources and/or energy generating facilities. To implement this directive, Electric Power Industry Reform Act (EPIRA) and its Implementing Rules and Regulations (IRR) obligate electricity-generation companies and energy-resource developers to provide financial benefits to host communities in the amount of one centavo per kilowatt-hour (P0.01/kWh) of the total electricity sales. Nonetheless, neither EPIRA nor its IRR include explicit safeguards for the rights of IP communities beyond the broad references to communities and people affected, as per ER 1-94, even though most power generation companies are hosted by the ancestral domains of IPs.

Because of the work of communities and PANLIPI, amendments to ER 1-94 led to the recognition of IP rights over energy resources, including the right to claim a fair share in benefits. These circulars were the outcome of sustained advocacy and engagement by IP communities and partner CSOs that began in 2014. As a result, three circulars were issued between 2018 and 2019. Government officials agreed that these policies relied on inputs from CSOs, as well as from the communities they engaged on the ground.

### **Championed advocacy**

A resolution crafted through the efforts of an organized IP group highlighted the importance of maintaining IP structures within the BARMM, purposively expressing concerns that IP rights could be overshadowed by the broader objectives of the BARMM project. To address this, TJG helped craft the NMIP Code, which is now lodged in the Bangsamoro Parliament to ensure that NMIP rights are upheld even as the Moro peoples pursue their own development agenda under the Bangsamoro Organic Law (BOL). Prior to this, the TJG was able to champion the inclusion of indigenous peoples' rights in the national BOL, petitioning the House of Representatives and the Senate and soliciting support from various stakeholders.

### **Network establishment**

KASO was established and played a crucial role in raising awareness about the rights and challenges faced by children and trafficked women. Additionally, the creation of the Network of Young Human Rights Activists further contributed to promoting gender sensitivity within institutions, particularly in addressing re-traumatization. BALAOD noted that this heightened awareness led to the establishment of the One-Stop Shop, aiming to centralize government agencies in one location to provide victims with timely access to services and support.

### **Increased participation in legislative work**

On the Save the Beauty of La Union campaign of Kanlungan and similar campaigns, one of the remarkable outcomes was the invitation of the advocacy group members to attend the review of the La Union Environmental Code. Their recommendations were eventually integrated into the Implementing Rules and Regulations of the said code.

### **Passage of local ordinance**

The establishment of local codes is one of the most remarkable outcomes of this approach, based on the experience of PROCESS Panay and community partners. They achieved the enactment of a Municipal Fisheries Code, as well as ordinances declaring Marine Protected Areas (MPA) within a municipality they serve. They also institutionalized the Bantay Dagat (Fish Warden) system, where deputized fish wardens take active roles in fisheries law enforcement. Deputized fish wardens became regular members of the Municipal Law

Enforcement and Composite Team. Five trained fish wardens were hired by the municipality as bantay-daray-ahan or bay watch. Seaborne patrols were regularly conducted, which resulted in the apprehension of commercial fishing vessels illegally entering the municipal waters.

### **Increase influence in policy reform**

Half of the Kaisahan KII respondents stated that they were able to effectively influence reforms. They influenced how the DAR Municipal Offices processed the land acquisition and distribution of several landholdings. They made this possible by working as or engaging the Barangay Agrarian Reform Council (BARC) chairpersons. As such, they are able to offer valuable and law-based suggestions as to who should be rightfully included as ARBs. They also offer suggestions on what areas or agricultural lands to cover and how best to survey them.

### **Community action**

In the case of the One Palawan Movement, civil society organizations worked together to successfully stop RA 11259 or the proposed division of Palawan into three provinces despite seemingly insurmountable odds. They had campaigned against a powerful, well-funded, government-initiated and backed policy. The youth sector, as volunteers, actively participated to support the cause, and teachers diligently safeguarded the ballot boxes during the actual plebiscite. IPs actively participated in boycotting the proposed changes by passively invalidating ballots.

The ability of the Teduray and Lambangian communities to engage in lobbying efforts and file resolutions to promote IP rights is a significant achievement. Moreover, their ongoing desire to learn more about both their rights and government policies is commendable. The experience of the Agta peoples in watershed management and rights advocacy serves as a clear indicator of this commitment.

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## **Key Findings 4 : Empowerment Indicators**

### **Increased capacity**

In fisheries reform where PROCESS Panay is engaged, the fact that communities showed increased knowledge of fishery codes and actively participated in advocacy and research \ prove their level of empowerment. “The trained paralegals actively participated in gathering data that were useful in the formulation of the Municipal Fishery Code and Marine Protected Area ordinance of the municipality,” said one respondent.

To this day, deputized fishery wardens remain active. Members taking on community education about their collective rights is also a clear indicator of their persistence.

In the arena of gender, there is an increase in the number of women participating in paralegal.

### **Institutional engagement**

In energy reform, the IPs’ active participation in proceedings (i.e., attending consultations or presenting evidence) and assertion of their rights (for instance, ascertainment of Free and Prior Informed Consent) resulted in the issuance of Department of Energy (DOE) circulars that recognized IPs’ ownership of ancestral domains, as well as their right to benefits sharing. An organization shaping the content of government issuances is a healthy sign of empowerment.

In the Save the Beauty of La Union campaign, one of the member-organizations has begun the process of forming a legal entity, so it may be accredited by the local government unit (LGU). This will enable the organization to participate in the review of the LGU’s land use plans and push for the reclassification of the area on which the coal fire powered plant (CFPP) will be built as an ago-forest land.

### **Policy enforcement**

Because the IP communities learned about their rights under Indigenous People’s Rights Act (IPRA), they were able to insist on the observance of the FPIC as facilitated by the NCIP. Their rights over the ancestral domains were eventually recognized by the energy companies through the issuance of the DOE policies. The KLEAs allowed for the IP communities to take further action in realizing the contents of the DOE circulars (e.g., through drafting of resolutions that would facilitate immediate access to the royalties identified in the DOE circulars).

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## Key Findings 5 :

# Success

### **Network formation**

On children's rights, KASO not only actively pursued cases against violators but also lobbied for the enactment of important local measures, such as the CDEO, CDO Children's Welfare Code, Parent Responsibility Code, and Travel of Minors Ordinance.

### **Networking and solidarity**

Networking was found to be an important facilitating factor for success. The support—moral or legal—from member-organizations to communities was deemed critical. Despite a general decline in interest among the youth to support issues, there was still a decent number of youth volunteers from the community in the experience of an organization. The strong sense of community ownership over the lands and waters of Palawan by locals and IPs was a big factor in securing success for and achieving the goals of the One Palawan Movement.

### **Multi-stakeholder cooperation**

In the case of PANLIPI's work, they found out that a CSO-government-private sector collaboration—or a non-adversarial relationship—, may result in a resounding success. According to one KII respondent, the 'non-combatant' manner of this collaboration led to mutual trust and a good working relationship, resulting in positive outcomes. PANLIPI's constant coordination with both the national headquarters and regional office of the NCIP was instrumental for the success. According to PANLIPI, "IP communities spoke well of the support and capacity building that they had received from these offices and are looking forward to a continuing engagement with them."

### **Community participation in governance mechanisms**

The participation of members in the crafting of the local fisheries code was critical, along with community-based research informing local codes. Participation in community decision making was key. According to PROCESS Panay, the LGU used the map prepared and presented by trained members of ABAKADAGATAN, Inc., which was instrumental in

the speedy enactment of the municipal fishery code and the MPA ordinance.

### **Legal frameworks and quasi-judicial mechanisms**

Legal frameworks were extremely useful. IPRA provided broad protection and safeguards, while the FPIC is an important condition of the IPRA Law. All projects which will be implemented inside IP domains should undergo the FPIC process. Communities' knowledge of IPRA and their rights helped facilitate success. The provision of training and technical assistance helped build and sustain such level of knowledge. The high level of capacity and organization has helped the Teduray and Lambangian, for example, in effectively engaging and making accountable government institutions.

Quasi-judicial proceedings served as platforms for IPs to voice their concerns, giving them hope about their situation. PANLIPI KII respondents said that during these proceedings, representatives from Buhi asserted their right to participate in the planning and programming for the watersheds. Similarly, the municipal chieftain of Tiwi ably provided information about the communities which were under her leadership. She explained how they have not benefited from the presence of the geothermal plant within their ancestral domain, particularly evident in the absence of electricity in many indigenous households.

Sitting on technical working groups for the crafting of ordinances proved to be effective, according to respondents of BALAOD. The formation and maintenance of networks were also important for them.

The purposive and advocacy-driven local legislation, which mirrored or complemented national laws and introduced human rights concepts, helped push for policy reform.

For Kaisahan paralegals, one of the most helpful policies toward farmer rights is the creation of the Barangay Agrarian Reform Council (BARC). The BARC primarily assists the barangay in implementing the CARP at the local level, encompassing land distribution and support services for landless farmers. It proves to be invaluable, given that the DAR and other agencies often lacked direct contact with the community, making it challenging to verify certain accounts and cases. Also, conflict resolution and mediation policies implemented by the DAR at the municipal level significantly reduce the need for litigation and complaints. Additionally, policies streamlining the processes for CARP-covered landholdings—from the cancellation of the owner's title and issuance of a Republic of the Philippines title—alleviate pressure, influence, threat, and violations directed at beneficiaries by landowners.

### **Local government support**

In the Save the Beauty of La Union campaign, four LGUs eventually supported the campaign against the CFPP and drafted a resolution against coal that was eventually signed by the

mayor. The campaign also activated the Filipino *diaspora* through social media: former La Union residents in the United States, including a fossil fuel expert who analyzed the environmental impact assessment for the coal project, thereby weakening the technical basis of the DENR for endorsing the project.

Entry points included working partnerships with local governments and petitions to local leaders, according to Rainbow Rights.

However, numerous barriers that hinder efforts toward policy reform still persist.

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## Key Findings 6 :

# Challenges and Barriers

### **Institutional issues**

Many communities still cannot raise their voice on official platforms. In terms of enforcement, agencies lack teeth. In the Energy-IP nexus, “ambiguous, discordant, and overlapping policies and mandates” proved challenging according to PANLIPI research respondents. Bureaucratic processes and a lack of recognition of IP rights were also hurdles in the beginning.

IP communities need to comply with lengthy and costly administrative and documentary requirements before financial benefits can be remitted. “These requirements for certification, planning, procurement, and audit add up to an onerous package that is difficult for many IP communities to meet. Because of the difficulties in and expense for preparing these requirements, many funds are ultimately unutilized. Unutilized funds remain with the generation companies or energy-resource developers and will continue to compound until such time that communities are able to access them,” according to a respondent.

There is also a continuing lack of recognition of IP communities’ rights. Despite some gains, IPs’ involvement in the planning process has not been consistently exercised.

***“Our number one barrier then was the lack of funds. Everyone in the One Palawan Movement had no funds... compared to the other side that had a lot of support. They could mobilize easily. They had many vehicles; we had none. No gas, no food... not even snacks for people we invited. But the people came on their own volition and listened to us.”***  
- Key informant interviewee,  
One Palawan Movement

The provisions of the DOE circulars have been unable to guarantee that IP communities in NPC-managed watersheds are able to integrate their priorities in watershed plans and programs. Moreover, while acknowledging that the NPC projects may have delivered outcomes for IPs, it must also be pointed out that the current planning process tends to approach IP communities as beneficiaries instead of owners of the ancestral domains.

Policies exist, but they either take too long to be implemented or are not being implemented at all. “Both communities that worked with PANLIPI maintain that they have not realized any benefits from ER 1-94 or the DOE circulars, “Wala pang kinikita; [dapat] maibalik ang pakinabang sa mga katutubo; maisakatuparan ang polisiya” (We have no means; some benefit should inure to the IPs; fulfilment of the policy). Despite these issues, both communities agree that current policies are sufficient (sapat). Both groups also raised the need for support to address the issues around the lack of or delay in implementation, which could come through guidance (gabay) from government agencies, such as the NCIP and CSOs,” said one respondent.

The lack of LGBTQIA+ affirmative ordinances was identified as one of the challenges.

In terms of land rights, Kaisahan respondents said that they “have no voice” in influencing the policies of the DAR. They also mentioned that there is no venue for them to criticize, suggest, and present their points and concerns regarding the policies and their implementation. Aside from that, all of the paralegals mentioned that even though the policies are beneficial to the farmers, their implementation is slow, and they feel that the DAR leadership lacks political will to implement them. As a consequence, the government’s actions and decisions make it more difficult for the farmers to secure their land rights.

Another issue highlighted by many paralegals is the lack of authority and proactive measures from government agencies in addressing violations committed by landowners, particularly those belonging to wealthy and influential families in Negros

Occidental. One concrete example is the politicization of Local Special Bodies, in which instead of being tapped to help the farmers achieve genuine representation to address their unique struggles, the wealthy and influential families benefit from the composition and inclination of members.

### **Culture and minoritization**

Stereotyping and patriarchal beliefs continue to be dominant in Philippine society, with women being viewed as weak, fragile, and meek, according to WLB respondents.

For the Teduray and Lambangian, the Ministry does not appear to support the call of indigenous communities to recognize their right to their ancestral lands in the BARMM. National government priorities regarding the Bangsamoro also stand in the way of the full inclusion of NMIP rights in the autonomous region.

The lack of social preparation also posed a challenge in garnering support for LGBTQIA+ rights.

### **Political dynamics**

Political dynamics was seen across the various sectors as a cross-cutting issue.

In the One Palawan Movement, the primary advocate for RA 11259 was Palawan Governor Jose Alvarez himself, supported by LGU officials (except for Narra, Palawan Mayor Gernady Danao who later threw his support behind the Movement during the campaign). Provincial officials actively lobbied for the bill's passage in Congress, leading to its eventual signing into law. Another challenge arose with the Supreme Court ruling in favor of the respondents, affirming the constitutionality of RA 11259. However, the Court's decision mandating a plebiscite before the law could take effect turned out to be advantageous. The campaign period for the plebiscite was scheduled during the extraordinary circumstance of the COVID-19 pandemic.

Throughout the campaign and the Movement's activities, there were also personal and vicious attacks against the leaders and communities campaigning against RA 11259.

### **Lack of resources**

Tanggol Kalikasan identified lack of access to legal information and data, as well as lack of funding support, as major challenges.

## **Impunity**

According to Tanggol Kalikasan, the low penalty for violators, loss of work, and the continuous harassment, threats, and intimidation were recurring challenges faced by the communities and member-organizations.

## **COVID-19**

COVID-19 restrictions under the Philippines' prolonged State of Public Health Emergency affected the implementation of the mandates of member-organizations, especially community partners from the rural poor sectors who could not immediately access their services.

## **Community capacity**

There seemed to be a waning interest in the youth to be involved in environmental campaigning or conservation locally. Members' knowledge on new laws needed to be updated, especially in the fisheries and women sectors. Survivors of abuse were afraid of reporting their experience to the authorities.

## **Organizational capacity**

Internal conflicts within the organization stemmed from misunderstandings about SOGIESC and a lack of practical application to the advocacy efforts. Lack of economic capacity was a factor for organization staff or workers..

## **Institutional inertia**

There was a lack of capacity among service providers and social workers, in terms of women's and children's rights. According to BALAOD respondents, the lack of resources among social workers and a lack of support from other stakeholders, especially at the local level, hindered the growth of their initiatives. A referral system was not yet well-established, and child-friendly initiatives were not properly considering that there was a struggle in collaboration because of reassignment and transfer of designation.

## **Reprisals**

Reprisals also threatened communities and keep their organizing or expansion efforts in check. In the case of the Save the Beauty of La Union campaign, Kanlungan respondents said that political leaders warned pedicab (improvised bicycle) transport groups to not participate in protest actions or else, their permits to operate would be suspended or canceled. One migrant leader reported of her dog being poisoned allegedly after it was known that she had

been supporting the campaign against the CFPP and had refused to sell her land to the coal company. A respondent shared that some employees of the local government avoided her for going against the CFPP proposal.

## **Policies**

If there were government policies that facilitated the implementation of land reform, there were also those that hindered its implementation. For Kaisahan respondents, this would include the DAR Administrative Order issued in 2022, aimed at reducing land distribution processing from 180 days to just 90 days, as a detrimental policy. Instead of expediting the process, it led to complications, exacerbating the time required for processing. Surveys aimed at investigating and valuing lands covered under CARP were since then conducted without the presence of the Land Bank of the Philippines (LBP), causing hesitation on the part of the LBP to accept surveys conducted without proper documentation processes.

The Municipal Agrarian Reform Program Officers (MARPOs) also stressed the importance of a policy providing compensation to BARC officers. BARC officers, who are integral to the implementation and processing of CARP landholdings, have not been receiving any form of salary or compensation from the DAR for their vital functions and duties.

Another problematic policy was the DAR SPLIT Program. This program not only impeded the processing of pending CLOAs but also led the entire country into a debt worth billions of pesos borrowed from the World Bank. All three informants expressed concern that the individual titling policy could result in more cases of leasebacks and sales of CARP-awarded lands.

Another policy enabling the swift conversion of agricultural lands was the creation of the Land Use Case Committee. This committee issued decisions that overwhelmingly favored landowners, allowing exemptions of CARP-covered lands and permitting petitions for the conversion of prime irrigable and irrigated agricultural lands, contrary to previous decisions by the DAR Secretary.

## **Particular Challenges in women-centered advocacy: A snapshot**

In terms of legal advocacy around VAWC work, WLB identified several challenges that speak to the gender-differentiated dimensions of pursuing advocacy:

- Lack of financial capability and support to sustain participation,
- Negative relationship between the community women and barangay leaders,
- Excessive workload of the VAWC desk officers and volunteers,

- Difficulties in recruiting younger people to join their groups and become women legal advocates,
- COVID-19 lockdown preventing women from holding activities,
- COVID-19 lockdown hindering women legal advocates from gathering or updating information and monitoring cases of VAWC (i.e., the lower number of reported cases does not mean fewer cases of VAWC, it could mean that people were just being silenced, especially during the pandemic),
- Care responsibilities of women/female children, and
- Natural calamities (e.g., Marikina and Quezon are disaster-prone areas)

## Case Study 1 : **One Palawan Movement**



### **Summary:**

In 2018, then Palawan Governor Jose Chaves Alvarez proposed dividing Palawan into three provinces, citing the need for better management and development. However, there was no comprehensive study to support this claim, and the decision was rushed without thorough deliberation. The resulting law, RA 11259, faced legal challenges from groups like One Palawan, representing ordinary citizens who were not consulted despite the law's significant impact. The Supreme Court upheld RA 11259, arguing that local representatives act on behalf of the people in a republican state like the Philippines.

### **Key points:**

- Fast-tracked legislation: The *Sangguniang Panlalawigan* expedited a resolution, leading to the swift passage of the bill in Congress.
- Legal challenge: One Palawan Movement and ordinary citizens challenged RA 11259, highlighting lack of consultation and economic feasibility studies.
- Supreme Court ruling: The Supreme Court upheld the law, citing local representatives' authority in a republican state.
- Campaign and plebiscite: One Palawan Movement mobilized citizens through online petitions, outreach to IP communities, and legal action.
- Plebiscite outcome: The plebiscite resulted in a majority voting against the division, securing a unified Palawan.
- Lessons: Empowering individuals and communities leads to comprehensive rights exercise and successful civic actions, as demonstrated by ELAC and the One Palawan Movement.

One Palawan mounted a legal challenge against the constitutionality and validity of RA 11259 before the Supreme Court, with ordinary Palawan citizens, including farmers and fisherfolks, as petitioners. RA 11259 was crafted and enacted without consultation from the people of Palawan despite the nature of such a law requiring it.

The case filed was in the nature of a prohibition with mandamus, special civil action, with a prayer for an injunction, and a TRO. It was a question of constitutionality, and the four-pronged premise behind the case included the following: (1) it violated the requisite public consultation and information of the division of the province, which is constitutionally mandated; (2) “there were no assessments or studies done that would establish economic feasibility of the proposed division,” according to Atty. Mayo-Anda; (3) RA 11259 violated the Local Government Code mandate of national wealth distribution by adjusting the percentages for barangays (from 35% to 15%), the province (from 20% to 60%), and the municipalities (from 45% to 25); and (4) it violated Puerto Princesa City residents’ right to the consultation, elections, and their standing to sue.

Initially, as a highly urbanized city, Puerto Princesa was ineligible to vote, even though 20 percent of the voters were residents there. The Court dismissed the case, citing no violation of the public’s right to participate in public affairs through consultation. However, the Court ruled that a plebiscite must occur before the Act can take effect.

From start to finish, the One Palawan Movement was led, pursued, and organized by the people. Hundreds of thousands of voters came out for both sides. The plebiscite was not spared from electoral fraud, but the Palaweños, especially from the One Palawan Movement, made sure that the ballots were safely delivered and accounted for. On 3 March 2021, the voter turnout for the plebiscite was 297,728. Among these voters, 172,304 Palaweños voted against RA 11259 while 122,223 voted in favor of it. The 58.50% majority of voters secured the victory for a unified Palawan.

The Supreme Court rendered what was considered a landmark decision, especially in the history of Palawan. However, if it were not for their long-standing engagement, community-building endeavors, and continuous environmental protection through legal mechanisms, the strength in numbers would not have mattered to the One Palawan Movement and the supporting CSOs that stand, together, in victory today.

## Case Study 2: **Sumilao Farmers**



### **Summary:**

The Sumilao farmers comprise a collective of more than 165 individuals from Sumilao, Bukidnon, including around 500 family members, of which 90 percent belong to the Higaonon Indigenous Communities. Their enduring struggle, spanning longer than a decade, has been against formidable challenges to reclaim approximately 144 hectares of land situated in San Vicente, Sumilao, Bukidnon. The Sumilao farmers' campaign exemplifies the triumph of grassroots activism, legal advocacy, and raising public awareness in addressing systemic injustices and advocating for agrarian reform and land rights.

### **Key points:**

- **Legal Struggles:** Despite a controversial Supreme Court ruling affirming the land's conversion, the Sumilao farmers persisted in seeking justice through legal channels, highlighting violations of CARP, DAR Administrative Orders, and agrarian reform principles.
- **Sumilao March:** In 2007, the farmers undertook a 1,700-kilometer march to Manila, demanding the return of their land. This peaceful protest attracted national attention and culminated in a dialogue with then President Macapagal-Arroyo.
- **Campaign Success:** The farmers' resilience led to the revocation of the conversion order (which order allowed the use of the lang for non-agricultural purposes), although the land was not immediately returned. Continued pressure and negotiations resulted in the donation of 50 hectares and CARP coverage over the remaining land.
- **Impact on legislation:** The Sumilao farmers' case positively influenced the enactment of the CARPER Law in 2009, addressing agrarian reform issues nationally and integrating significant reforms.

- Legal empowerment and CSO support: The case showcased the power of legal empowerment for marginalized farmers and garnered widespread support from civil society, human rights advocates, and the Church.
- Challenges and struggles: Financial constraints and lack of government support diminished the farmers' ability to develop and utilize the returned land for agricultural production.

The Sumilao farmers' case is a compelling narrative of resilience and perseverance in reclaiming their ancestral land amidst seemingly insurmountable challenges. This collective, primarily composed of Higaonon Indigenous Communities, powered through a decade-long struggle to regain approximately 144 hectares of irrigated prime agricultural land in San Vicente, Sumilao, Bukidnon. The land, once the "seat of power" of their ancestors, was distributed to them under CARP in 1995 via a CLOA.

The conflict arose when a powerful family, the Quisumbings, illegally converted this agricultural land into industrial property pursuant to a proposal to develop an agro-industrial complex. Despite a controversial Supreme Court ruling affirming this conversion in 1999, the Sumilao farmers respected the decision but witnessed the land remain idle and uncultivated for over a decade, in violation of the conversion order and CARP's objectives. To their surprise, in 2002, the Quisumbings sold the land to San Miguel Foods, Inc. (SMFI), which began constructing a piggery farm on the Higaonon's ancestral land without regard for legal processes or the farmers' rights.

Faced with government dismissal of their pleas for justice, the Sumilao farmers realized the necessity of a more direct approach. They initiated the "Sumilao March", a 1,700-kilometer journey from Sumilao, Bukidnon, to Manila, with a clear message: "Sumilao Walk for Land, Walk for Justice". This arduous march, mainly on foot, culminated in a dialogue with the president at Malacañang, resulting in the revocation of the conversion order but without immediate land restoration.

Undeterred, the farmers continued their peaceful protest, marching around the gates of Malacañang for 30 days until the government and SMFI were compelled to negotiate. Ultimately, an agreement was reached where SMFI donated 50 hectares of land within the disputed area to the farmers, and another 94 hectares—located in a separate area—were subjected to CARP coverage and distribution among the farmers, fulfilling their demand for the return of the entire 144 hectares, the area covered by their CLOA.

This victory had broader implications beyond the Sumilao farmers' immediate community. It led to the enactment of RA 9700 or CARPER Law in 2009, highlighting the Filipino farmers' struggle and influencing significant reforms in agrarian reform laws and policies. The case underscored the importance of legal empowerment for marginalized farmers and the need

for a responsive government in safeguarding land rights. The Sumilao campaign's success was not solely attributed to legal maneuvers but also to grassroots activism, civil society support, Church involvement, and media coverage. These elements were combined to elevate public awareness, encourage debates, and foster dialogue on agrarian reform, rural development, and the rights of farmers across the Philippines. BALAOD Mindanaw's efforts for the clarification of legal issues in the case, as well as the provision of logistical support for the farmers' campaign were significant contributions to the advocacy for reforms.

However, despite the significant victory of reclaiming 144 hectares of land, the Sumilao farmers continue to face challenges. The prolonged campaign depleted their resources, making it difficult to kickstart agricultural production on the returned land. Moreover, they lacked financial support from the government, highlighting ongoing systemic issues in addressing farmers' needs and ensuring sustainable agricultural practices.

Overall, the Sumilao farmers' case is a testament to the power of grassroots activism, legal advocacy with support groups, and public awareness in the aspiration to confront injustice, advocate for land rights, and influence policy reforms for the greater good of marginalized communities.

## Case Study 3 : ***The NMIP Code***



### **Summary:**

This case highlights the complexities and challenges involved in advocating for IP rights and legal empowerment within the BARMM context, emphasizing the ongoing need for collaboration, consultation, and alignment legal networks.

### **Key points:**

- **Advocacy efforts:** The TJG focused on crafting the IP Code when the BARMM was established with the enactment of the BOL. The IP Code aimed to create a Ministry for Non-Moro Indigenous Peoples to recognize, protect, and promote their rights.
- **Legal support:** The LRC provided legal support to TJG in their advocacy efforts. This support included legal advice, analysis of legal implications, and assistance in drafting legal documents related to the IP Code. The constant consultations and discussions were key to sharpening the positions of the NMIPs.
- **Lobbying and advocacy:** Representatives from various IPs engaged in intensive lobby work to influence IP champions in the Bangsamoro Transition Authority (BTA) and Congress to support the passage of the IP Code. This lobbying aimed to garner political support and build alliances to push the Code forward.
- **Challenges and delays:** Despite the advocacy efforts, delays and challenges have hindered the enactment of the IP Code. Issues such as prioritization of other bills, lack of support from the Ministry, and potential watering down of IP rights provisions in Cabinet Bill 40 have posed barriers to progress.

The case study highlights the policy advocacy and legal empowerment efforts of IPs, particularly the Teduray, Lambangian, and Arumanen Menuvu IPs in the BARMM region. The TJG focused on crafting the IP Code to ensure recognition, protection, and promotion of Non-Moro Indigenous Peoples' (NMIPs) rights in the BARMM, including ancestral domains, customary laws, and self-governance structures.

TJG conducted consultations and workshops among six ethnic groups, submitting the IP Code draft to the BTA in 2018. However, the enactment is still pending despite lobbying efforts by IP champions in the BTA and Congress. The delay is attributed to priority bills and a lack of support from the BARMM Ministry for NMIPs' rights.

LRC provided legal and policy development support to TJG and emphasized the importance of public consultations for the IP Code. Challenges include watering down of IP rights in a related Cabinet Bill and the need to find advocates in parliament. TJG plans to continue advocating for the Code's enactment through consultations with IP leaders and BTA champions.

The initiative reflects TJG's unity in asserting NMIPs' rights, supported by technical assistance and mentorship by LRC. In the absence of the IP Code, TJG submitted a resolution recognizing and supporting indigenous political structures, approved by the provincial government.

LRC stresses the need for enabling laws, aligned with national laws and IPRA, which will allow meaningful IP participation. The national government is urged to monitor regional legislation and address IP issues during BARMM's transition.

### **4.3 DEVELOPING PARALEGALS**

Community paralegals have long played a significant role in advocating and seeking concrete solutions to instances of injustice in their communities. CSOs from different countries have employed various methods in developing paralegals within the ranks of the grassroots sectors, through building of their knowledge of the law and the legal system, and the capacity to apply such knowledge when asserting their rights.

This chapter investigates the role of paralegal development as a KLEA and how it contributed to grassroots communities' abilities to use their knowledge of the law to seek, pursue, and obtain justice. It describes the various models and methods used by ALG members, highlighting innovative approaches and best practices, including the extent of the development

and participation of women paralegals. It also discusses the different factors which influence the strengthening and sustainability of paralegals and present the overall outcomes of employing paralegal development as KLEA. Recommendations and ways of moving forward are presented at the end of the chapter.

Maru (2006, p. 428) describes the institution of paralegalism as one that "maintains a focus on achieving concrete solutions to people's justice problems" and is "oriented towards empowerment" (p. 280). It complements formal legal aid by directly assisting ordinary people, especially those who live in poverty and whose access to justice is restricted by the limitations of formal legal institutions. Paralegal development aims to increase

the capacity of the poor to understand and utilize the legal system and of formal institutions to uphold their rights, pursue justice (Franco, et al., 2014), and bolster human agency overall (Maru, 2010).

The paralegal approach has advantages and disadvantages (Maru & Gauri, 2018; Maru, 2006). Among its advantages is its effectiveness in empowering individuals and communities, as they “aspire to cultivate the knowledge and power of the people with whom they work” (Maru & Gauri, 2018, p. 5). Community paralegals are able to contribute more and directly to the empowerment of their own communities due to their proximity (both in terms of physical location and relationships) to the people they work with. They use mixed methods, employing several strategies, such as advocacy, mediation, organizing, and education to solve problems of injustice. They also have the freedom to be creative about institutions, as they do not rely on the formal justice system alone. They pursue remedies on several platforms, including the customary or traditional justice system. As insiders, community paralegals are often closer to the community they serve and are more capable than lawyers (who are outsiders) at straddling dualist legal systems. Their familiarity with the ways, culture, and informal structures of the community allows them to have access to traditional methods of mediation and reconciliation. Community paralegals can be more cost-effective than lawyers because they are more available and accessible, as they live within the community and have a wider reach in terms of providing primary justice services to all.

Problems and limitations, on the other hand, include its limitations and level of consistency. The paralegal approach may have limits on effectiveness due to redundancy in function with existing formal and informal institutions. Structural challenges and powerful interests also limit the chances of success for paralegal interventions and programs. While paralegal approaches may promote access to justice, “paralegals cannot necessarily transcend or modify deep-seated norms and power structures” (Swenson, 2018, p. 1). Second, consistency and quality of paralegal efforts may be affected by the quality of training, supervision, and support of organizers. Third, there is always the risk of abuse or the likelihood of paralegals to take advantage of others after acquiring their new knowledge, power, and status. Lastly, there is the challenge of ensuring sustainability of projects and programs, especially in terms of funding support.

***“Barefoot lawyers’ trained in the basic concept of law, legal procedure, tactics and counter tactics, and in the skills needed to do routine, repetitive, or preliminary jobs, and carry out simple investigations such as interviewing witness[es] and taking down their statements, getting copies of public records, preserving physical evidence, filling out standard government forms, etc... (paralegals) equipped***

***the community they live in with a knowledge of how the law works and how they use the law to assert of defend their rights” (Franco et al., 2014, p. 7).***

Paralegals have been described to be community-based individuals; they are not lawyers but have acquired basic legal knowledge and skills through some training in the fields of law and government systems and processes (Franco et al., 2014; Moy, 2018). They assist poor and disempowered communities to “remedy breaches of fundamental rights and freedoms” (Maru, 2006 p 429).

Maru (2006) offers some typologies based on paralegals in Sierra Leone. These are: *generalist community-based* vs. *specialists* (sectoral, methodological, or single-issue concerns) and volunteers (usually member of community-based organization) vs. paid or with allowance (usually NGO or LGU-based paralegal).

In the Philippines, Franco and co-authors (2014) classify paralegals into: (1) grassroots organization paralegals who are members of people’s organizations (Pos); (2) roving or territorial leader-organization paralegals who are members of POs or networks with a regional scope; (3) law student paralegals; (4) office-based, hired paralegals who are NGO staff members; (5) mainstreamed community paralegals who are trained by NGOs but are based in LGUs; and (6) law enforcement paralegals who are PO members entrusted by the

government to perform law enforcement functions.

Paralegals and paralegal development programs exist to provide solutions to justice problems and remove—or at least minimize—obstacles to accessing justice. This is achieved through legal empowerment or helping people understand and use the law by themselves for themselves (Katiba Institute, 2021; Maru & Gauri, 2018). To achieve this, paralegals perform a multitude of tasks to improve people’s access to justice.

Maru and Gauri (2018) list six broad approaches to describe what community paralegals generally do. These are: *education, mediation, organizing, advocacy, monitoring, and litigation* (with the help of lawyers).

In the Philippines, Franco and co-authors(2014) categorize the scope of paralegal work into three dimensions: (1) building rights awareness by educating ordinary people about their rights and, at the same time, taking action to enforce/ implement these rights; (2) settling or mediating private disputes, such as family or village-level disputes, including disputes of groups who belong to the unorganized poor; and (3) increasing state and corporate accountability by working on the passage and implementation of national laws, policies, and programs, as well as monitoring and taking actions when violations occur. Specifically, paralegal work in the Philippines includes: education; mediation; representation in quasi-judicial dispute resolution tribunals; research, investigation, and documentation; law

enforcement; policy advocacy; and organization and mobilization of groups of people and communities to effectively address their justice concerns.

According to Franco and other co-authors (2014), the following factors enable paralegal development/ formation in the Philippines: (1) scarcity of public interest lawyers that resulted in a strong network of public interest lawyers capable of anchoring and guiding paralegal programs; (2) institutional support from both the government and NGOs, particularly long-term donor support and a dedicated legal defense fund; (3) community organizing and PO building work which facilitate community-based paralegal efforts; and (4) responsive local officials especially at the local level.

Maru (2006, p. 452), meanwhile, emphasizes the importance of litigation in paralegal work to “allow us to maintain a program whose promotion of rights has teeth”. According to him, taking cases to court is crucial in the efficacy of the program. Dispute resolutions, especially those that involve institutions or power relationships, result in empowerment of both clients—paralegals and the community as a whole (Maru, 2010).

**Capacity building** is also an integral part of community organizing and grassroots building work. According to Franco and others (2014), the earlier waves of paralegalism in the Philippines followed a prototype module on human rights (HR), including HR situation analysis and paralegal skills building and practice. Today, standard paralegal training modules

include situation analysis; philosophy of developmental legal advocacy; situation-specific application of HR norms and legal principles; basic paralegal skills, such as evidence gathering and affidavit-making; and advanced paralegal skills focused on addressing particular issues or areas (see Annex A of report for details on the typical paralegal training in the Philippines).

Franco and co-authors (2014) also list the hindering factors or challenges confronting paralegal development/formation, which include: (1) low capacity of NGOs to absorb public interest lawyers due to declining funding in public interest law work; (2) corruption, indifference, and low awareness among local officials; (3) physical and legal threats; (4) skepticism against paralegals (i.e., looking down on paralegal because they are non-lawyers); (5) weak grassroots organizations; (6) unsuccessful outcomes (“in the end, what matters to affected people are the results of any meta-legal action” [p.23]); (7) “battle fatigue” due to exhaustion of resources when campaigns take more time and effort than anticipated; (8) state accountability and critical collaboration; and (9) collusion of powerful economic elites and powerful political elites.

## Why is developing paralegal a KLEA?

***“Education is the start of accessing justice.”***

*- Children’s Legal Bureau*

Developing paralegals as a KLEA was recognized as vital, by both ALG members and their partner communities, in improving people’s access to justice. Through paralegal development, marginalized communities become aware of their rights, get capacitated in the legal processes, gain courage to respond to social issues, and advance their rights and act against injustice, without relying solely on legal representation or lawyers.

### **Box 1: Paralegal development as a KLEA**

For BALAOD, Kaisahan, and SALIGAN, who featured their work with farmers and ARBs, paralegal development provides the legal and paralegal knowledge crucial to the protection and assertion of land and human rights, including the advancement of agrarian reform and rural development. In the case of ELAC and LRC, who work with IPs and IP communities, paralegal development is critical for the protection of the rights of indigenous communities whose members often live in remote areas vulnerable to development aggression and far from regulatory oversight of government offices. By equipping IPs with legal and paralegal knowledge and skills, they are able to take informed action, protect their rights, and address the different threats facing their respective environments and communities. WLB and CLB, who work with women and children, highlight the importance of paralegal development among survivors of abuse. Aside from reforming and empowering the victims themselves, developing paralegals among the ranks of the abused inspires and empowers other victims to also fight for their own rights and the rights of other sectors.

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## Key Findings 1 : ***Models in Developing Paralegals***

Two models for developing paralegals are given highlight:

CLB uses a *‘ladderized method’* in developing paralegals where initial activities serve as scaffold for succeeding activities. The first step is *organizing*. Here, child and youth members of the community are organized into Children’s Rights Advocates (CRAs), while other concerned members of the community—such as parents and other stakeholders—are organized into Community Watch Groups (CWGs). Both CRAs and CWGs undergo paralegal development and literacy training, particularly on child-related laws, including the different mechanisms and processes in identifying and reporting red flags in the community. The second step is *paralegal formation/development* where CLB identifies

potential paralegals from the CRAs and CWGs to undergo paralegal training. The training usually lasts for three days and includes the following content: relevant (child-focused) laws, understanding the psychology of children and child development, limits of medical examination (in relation to medical certificates as evidence in child sexual abuse cases), and skills development. After this, CLB regularly holds follow-through or enhancement sessions where paralegals share their experiences among themselves in handling cases. CLB lawyers also give advice/recommendations to paralegals during these sessions. The follow-through and enhancement sessions continued but shifted to online platforms during the pandemic.

WLB uses the Legal Advocacy Training (LAT) model, which mainly revolves around formation/development of legal advocates among members of their partner organizations and communities. The legal advocates are expected to be at the forefront of effecting change and pushing for reforms in the justice system, particularly at the barangay level.

Using their experience in Marikina, WLB describes the LAT model in two phases: (1) conduct of consultation workshops at the barangay level and (2) conduct of a series of legal advocacy training based on the identified needs of the community. The first phase includes (1) coordinating with the barangay council on the conduct of participatory action research on VAWC and the existing barangay justice system, including a mapping of community resources related to basic services available in the community; and (2) forging partnerships with women's core groups in the community for legislative advocacy activities in the barangay. The second phase involves the conduct of capacity building activities for partner community groups for advocacy, organizational development, agenda building, research, and engagement in local governance to promote women's rights, among others.

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## Key Findings 2 : **Approaches in Developing Paralegals**

**“Mahalaga yung  
pagbibigay  
ng tamang  
kaalaman, tamang  
pagsasanay, at  
tamang lakas  
para makamit ang  
hustisya.”**

**- Jebel Musa/  
Tanggol Kalikasan**

Four approaches in paralegal development/formation were identified to be commonly used across all case studies: (1) capacity building, (2) community organizing and community partnerships, (3) advocacy work, and (4) network creation/formation.

### **Capacity Building**

Capacity building is the core approach utilized by ALG members in paralegal development/formation. Education and knowledge build up is key to empowerment. Through capacity building, marginalized individuals become aware of their rights, gain knowledge about them, acquire skills to protect and advance these rights, and use their knowledge and skills to protect and advance rights, and to empower others.

In terms of methods, ALG members use *three methods* of capacity building: formal, experiential, and mentoring. *Formal* methods are structured learning experiences, which are often conducted in classroom type setups. These may be in the form of seminars, trainings, or workshops. They are often conceptual and highly content-based and primarily aim to develop the knowledge, attitude, and skills of participants on specific topics. These topics may encompass a wide range, including broad concepts like gender and human rights, legal and regulatory mechanisms spanning from national laws to local ordinances, and scientifically technical subjects like marine protected areas management and carbon emissions. Skills development topics, meanwhile, may span from designing policy advocacy campaigns, to gathering evidence effectively, to technical writing tasks such as documentation and drafting of affidavits.

**Experiential** methods are those that provide venues for paralegals to witness, observe, and practice what they have learned from formal methods in actual conditions. These are often conducted on-site, where participants exchange information with or learn first-hand from the experiences of their host communities or practitioners. These include exposure trips, exchange studies, attendance in legal clinics, and monitoring conferences.

**Mentoring** as a method is commonly used when paralegals are already handling or are involved in ongoing cases. It is a hands-on capacity-building method, where lawyers provide guidance and expertise to paralegals as they engage in actual paralegal work. Aside from addressing the paralegals' concerns in a timely manner, mentoring also boosts their confidence when engaging with law enforcers, government officials, and other stakeholders or decision makers. This involves regular meetings, consultations, follow-through, and coaching by lawyers.

In terms of design, capacity-building activities are either *programmatic* or provided on an 'as-needed' basis. Although these designs address different objectives, they complement each other.

Programmatic designs are a pre-designed series of capacity-building activities that progress from basic to advanced courses. These are standard paralegal formation courses provided by the ALG member to partner organizations and are conducted for several days either continuously or in phases. Examples of this are CLB's ladderized model and WLB's LAT program. SALIGAN also utilizes a programmatic design consisting of three sessions: *basic, advanced, and thematic*. For PROCESS Panay, the design involves sharing their training series for partner fisherfolk organizations, which begins with a basic training on the environment and coastal resource management and ends with a specialized training on fisheries law enforcement. For LRC, the training is housed in its Friends of the Earth School, where the thematic areas of law, community science, policy review and advocacy are conducted in a progressive manner—following completion of the basic courses, succeeding trainings and workshops respond to the training needs of their community partners.

Capacity-building activities that are given on an as-needed basis may or may not be long-term nor pre-programmed. These activities are held based on the *specific need* of a sector or community at a given time. Oftentimes, these time-sensitive capacity-building activities are intended to address the needs of the sector or community as they undergo campaigns or actual paralegal work. In the case of Tanggol Kalikasan,

for example, paralegals were provided training on writing and delivering information as 'Kalicasters' (environmental newscasters) in both social and mass media to amplify the community's presence during their campaign against CFPP. WLB, in addition, integrated research on mapping of local services in a VAWC paralegal training design as a way of training and encouraging its partner organization to engage with LGUs in terms of livelihood programs.

In terms of scope and content, the case studies show that all ALG members provide inputs on basic frameworks and concepts on justice, human rights, and gender, which serve as foundation for paralegal development/formation programs. It is also common across all groups to provide training that would equip paralegals with skills relevant to their work, such as documenting, gathering evidence, making affidavits, reporting abuses, and filing cases.

The differences in scope and content can be found on the specialized courses/topics given by ALG members that are based on the respective advocacies of each ALG member. Specialized courses are sector, issue, or case-specific. Some offer specialized training for more advanced paralegals. One example is the specialized training of CLB for CASA/GAL volunteers who are also considered paralegals in court. Paralegal development/formation activities often conclude with action planning, where participants come up with strategies and identify the next steps to take to address the issues that their sector/community is facing.

### **Community Organizing or Community Partnerships**

Community organizing or community partnerships, as an approach to paralegal development, is critical in terms of having a core group of legal advocates on the ground who will take the lead in pursuing justice for, and upholding the rights of, the sector/community. The ALG members either do the organizing themselves or partner with existing community organizations. These organizations become the pool of paralegals-to-be in the community.

Community organizations provide venues for members of the community/sector to participate in issues that confront them as a group. To achieve this, ALG members provide a variety of capacity-building activities in the process of organizing/partnering with communities. CLB and WLB, for example, provided paralegal training programs to members who have the potential to become paralegals. They undergo training and eventually become point-persons for VAWC concerns in the community. SALIGAN organized the Banasi farmers while waiting for a decision for their agrarian reform case. After being organized, the Banasi farmers underwent a series of capacity-building activities that equipped them with knowledge and skills which helped them pursue their case and resulted in positive results. Kaisahan's key informants emphasized the importance of community organizations for espousing women's participation. Based on ALG members' experience, the male participants are the ones who usually get involved at the start of the organizing process. Women only start joining and get actively involved in the organization when it is already fully established and had already started implementing its programs and activities. Kaisahan also shared how the absence of community organizations affect a community/sector's ability to pursue justice. In the case of the Hacienda Vicenta Farm Workers in Negros Occidental, the absence of community organization and lack of leaders on the ground adversely affected the handling of cases, as the farmers lacked knowledge to respond in a timely and effective manner to the requirements of the case. They were dependent on the advice of lawyers and were fearful of acting on their own.

### **Advocacy Work**

Participation in campaigns, IECs, dialogues, and other advocacy work was also identified as an effective approach to developing community paralegals. When they participate in advocacy work, it becomes necessary for paralegals to educate themselves thoroughly on issues confronting their sector or community. It also becomes imperative for paralegals

to deepen their understanding of the communication process and improve their skills for delivering information and public messaging. For those who are tasked to lead or speak for their group, additional skills such as public speaking, strategizing, facilitation, lobbying, and negotiation are warranted.

For example, the paralegals during *Tanggol Kalikasan*'s campaign against CFPP attended seminars on legal and meta-legal actions and participated in training activities on campaign strategizing, which included news article writing and broadcasting. These were utilized to ramp up the campaigns in both social and mass media. In the case of *PROCESS Panay*, advocacy work entailed their partner fisherfolks (i.e., *ABAKADAGATAN, Inc.*) to conduct research on the status of their coastal areas and to learn how to communicate their findings to local policymakers and the wider public. Results of the research were presented by *ABAKADAGATAN* to the *Sangguniang Bayan* (Municipal Council), where they successfully lobbied for the formulation of a Municipal Fisheries Code and the establishment of MPAs in San Jose, Antique.

### **Network Creation/Formation**

Like advocacy work, network creation/formation is also an important approach in developing paralegals because it expands the knowledge and skill set of paralegals by exchanging ideas and experiences with other groups. It also widens their perspectives on doing paralegal work, as they get exposed to different frameworks and strategies used by paralegals from other organizations. For instance, *BALAOB*'s creation of the Human Rights Youth Action Network as an output of a paralegal training session for youth resulted in a coalition of young human rights defenders from different sectoral groups in Northern Mindanao.

Networking also expands and facilitates coalition work among paralegals, which could provide strength in numbers in times of campaign or advocacy work. *CLB* shared how they apply 'network advocacy', through which they work with already existing networks or create broader networks during campaigns for policies and their implementation. Coalition work provides space for paralegals to work with similar-minded individuals and amplify their influence toward achieving a common agenda. This helps them appreciate the reality that they are not alone in their quest for justice. In *Tanggol Kalikasan*'s case, partnering with the church through its ecology desk and social action programs broadens the paralegals' outreach and reinforces support for their cause.

Finally, networking expands the scope of paralegal formation, as other organizations in a network get exposed to the idea of paralegal work. In the case of *BALAOB*, for example, their being part of a coalition (i.e., *KASO*) exposed other members of the group to paralegalism and paralegal work. This exposure encouraged other members of the coalition to adapt paralegalism and integrate it in their own strategy. Staff of these organizations have

continuously participated in paralegal training activities given by BALAOD, and regular enhancement activities became an integral part of their capacity development.

## **Best Practices and Innovative Approaches**

Some of the best practices and innovative approaches identified in the case studies include:

- (1) ***CLB’s organizing and paralegal formation of child survivors and Children in Conflict with the Law (CICLs) as part of CRAs.*** According to the KII results of CLB, “engaging child survivors and former CICLs in child’s rights advocacy activities and training can greatly empower and reform them for their betterment.” These children become “experiential advocates” who can be effective in advocacy work because they advocate for the rights of fellow children based on their own experience of abuse, exploitation, or having been conflict with the law.
- (2) ***PROCESS Panay’s paralegal and ‘para-scientist’ formation among their partner fisherfolks in San Jose, Antique.*** The fisherfolks were not only equipped with knowledge and skills as regards man-made laws but also gained understanding of the laws of nature, especially those pertaining to coastal and marine resources. Their knowledge of both laws made it possible for them to confidently lobby for the passage of pertinent ordinances that would result in effective resources management that would benefit small-scale fishers and fishing households in their municipality.
- (3) In terms of training designs, respondents commended ***simple, straightforward, and participatory designs*** where participants can grasp concepts easily and apply their learnings instantly. Some case studies also highlighted the importance of localizing and contextualizing the content because this makes the training more relevant to participants. Others gave emphasis on the importance of action planning or action points at the end of the training because these provide clear directions on the next steps to take to address and solve their issues.
- (4) ***Mentoring, coaching, or consultations as vital approaches in developing paralegals.*** Post-training follow-through activities are equally important for paralegals to be able to internalize what they have learned from formal sessions.
- (5) ***Use of online platforms for developing paralegals,*** which is an emerging approach, resulting from the COVID-19 pandemic lockdown. Two organizations have already launched their online learning platforms. CLB has its ‘*Para Sa Kabataan Online Sessions*’, which provide sessions on current and newly signed child-related laws. These are open to the public, and online participants usually come from different parts of the Philippines. In 2021, LRC also launched its ‘*Friends of the Earth School*’ to ensure that the legal capacity building of partner communities is sustained despite the lockdowns.

## Key Findings 3 : **Outcomes**

This section discusses the impact of paralegal development programs on the ability of marginalized groups to obtain justice. It identifies and describes the outcomes of paralegal development, as well as the challenges faced by community paralegals as they performed their tasks.

### **Empowered Individuals and Communities**

***“In the absence of leaders, paralegals need to step up and take the lead.”***

*- Ramon Grimaldo, Tanggol Kalikasan*

The most important outcome of paralegal development is the emergence of empowered individuals and communities from marginalized sectors, who have historically been disregarded and silenced in matters concerning justice and human rights. The paralegal development approach of capacity building is key to this outcome.

Based on the results of the case studies, paralegal training and capacity-building activities served as confidence-building tools for ALG members’ partner communities to defend their rights and improve their access to justice. In the process of these interventions, leaders and advocates who took charge of campaigns, lobbying, negotiations, case filing, and educating their own communities emerged. They also took the lead in:

(1) engaging with and/or demanding accountability from perpetrators,

(2) protecting the vulnerable and creating safe spaces for those in need,

(3) establishing groups of and/or becoming part of human rights defenders within and across regions, and

(4) empowering and inspiring their own communities to safeguard their rights and fight for justice.

Notable examples were shared, such as CLB's experiences with members who were child victim-survivors of sexual abuse, transformed into CRAs who now lead campaigns against sexual abuse and VAWC. PEJC's partner fisherfolk leaders from Tañon Strait Fisherfolk Organization persist in fighting for fishers and coastal communities' rights against the commercialization of coastal areas despite facing legal suits and harassment from commercial fishers. LRC's partner IP community, TAMASCO, remains steadfast in asserting and defending their rights against powerful corporations, despite ongoing threats to life and property. Members of various community partners of LRC are able to conduct monitoring and documentation in their ancestral domains, and become more aware of their rights, engendering confidence among their community members. Additionally, Kaisahan's female paralegal and leader of the Hacienda Vicenta Farm Workers Association continues to champion the farmworkers' land rights, despite receiving death threats that compelled her to relocate to a different city for safety.

### **Access to Justice became more attainable for Marginalized Communities**

***“Access to justice became more realistic, not just to the paralegals themselves but also to the communities they support.”***

*- Kaisahan*

Another significant outcome of paralegal development was making justice attainable and realistic for marginalized communities. Community paralegals took the lead in ensuring that justice may be easily accessed by those in need by making legal assistance readily available even without the presence of lawyers. Community paralegals act as 'first responders' and 'legal helpdesks' on the ground and provide legal assistance when no lawyer is available. Because they themselves are members of the community and are living within the community, community paralegals are able to provide timely, personalized, and culturally responsive legal assistance to their group. They are also able to give more time to attend to the legal needs of the community compared to lawyers or government personnel.

For example, Kanlungan's partner community organizations, Bannuar Ti La Union and Balabal, have been actively assisting distressed overseas migrant workers and helping families in facilitating repatriation of their loved ones. Both have taken the lead in identifying cases and providing orientation among aspiring migrant workers at the community level, relieving Kanlungan from these tasks. They have also engaged in successful entrapment operations in collaboration with law enforcement agencies. Moreover, BALAOD's partner KASO gained more confidence in conducting rescue missions after participating in paralegal development training, while WLB's partner organizations in Marikina have been actively campaigning and successfully improving women-and-children-related services and structures in the barangays where they live.

Community paralegals also serve as conduit between members of the community and service providers, including CSOs and government agencies, which makes access to services easier for communities. WLB's partner organization NAGSAKKA—whose main advocacies include the Feminist Economic Justice Agenda, VAWC, food security, and food sovereignty—has been actively finding ways to support their own communities in accessing justice and services through livelihood projects and joining coalitions that work on women's human rights protection, food security/sovereignty, and environmental protection.

Now equipped with legal knowledge and skills, community paralegals have become confident enough to engage with and/or demand accountability from the government and corporations, as well as win cases against perpetrators. SALIGAN's partner organization (i.e., Banasi farmers) applied their learnings from the paralegal training in actively participating in the strategizing sessions for their case. Having been equipped with legal knowledge and skills, particularly agrarian reform laws and implementation, the farmers confidently participated in all stages of the legal proceedings and used available mechanisms to fast-track pending cases. BALAOD's partner farmer community (i.e., Sumilao farmers) also actively took part in the planning and implementation of the strategies for the campaign and negotiations to reclaim their land against SMFI. Both the Banasi and Sumilao farmers won their respective cases and successfully defended their land rights.

### **Paradigm shift in gender perspectives**

Gender-sensitivity training has been an integral part of the capacity-building courses in ALG's paralegal development programs. This resulted in an increased awareness on gender roles and women's rights among ALG members' partner communities. Gender sensitivity heightened people's consciousness on the importance of integrating gender in all aspects of legal empowerment and human rights work. It also promoted a better understanding of the role of women in both public and private spheres, making paralegals—both men and women—work for the passage of laws that protect women, such as the *Bawal Bastos* or Safe Spaces Act, and actively campaign and participate in local efforts to end VAWC. The shift in gender perspective also empowered the women themselves, with participants sharing how they found their voice and gained confidence and self-esteem after engaging in paralegal formation activities.

The number of women participating in paralegal work was also observed to have increased. Even in Mindanao, where women are traditionally not allowed to participate in certain types of work, women have continuously been participating in legal empowerment work, especially after becoming aware of their rights. Some women paralegals have also taken on leadership roles, with some—like ELAC's partner IP woman leader in Palawan—also doing community organizing and awareness raising in their own communities. According to the case study participants, women's participation in paralegal work is important because women have a calm demeanor, which is important when handling cases or when dealing

with law enforcement entities. Women are also more detail-oriented than men, which is helpful in terms of documentation and other paperwork. However, the primary reason highlighted for the critical importance of women's participation in paralegal work is their unique ability to handle sensitive cases, particularly those related to VAWC, more effectively than men. The same could be seen in LRC's partner indigenous communities where there is an increased number of women participating in the trainings and workshops. LRC organizes dedicated trainings for women to better enable their participation and empowerment.

### **Individual or personal development**

At the individual level, personal development was also identified among the noteworthy outcomes of paralegal development. Community paralegals who participated in the case studies acknowledged the positive impact of paralegal development on their sense of self and accomplishments. To quote what was shared by Kaisahan's partner paralegals, being paralegals and participating in paralegal work "improved their perceived value (of self) as crucial members of the community" (Kaisahan, 2023, p. 7), acknowledging the impact of their work on their own respective communities.

Community paralegals also shared how they gained confidence from improving their knowledge, skills, and attitude, which resulted in a positive outlook in life overall. For women paralegals, specifically, they perceived themselves as being more outspoken, assertive, and proactive in demanding accountability, not just in public settings but also within their own households. Paralegals who are now working in government also shared how they were able to help improve some services and procedures because of their experience in their own grassroots organizations. Others went on to run and win elective posts, particularly at the local government positions. Some paralegals shared how they have served as resource persons in seminars, training, campaign rallies, and congressional hearings; while others have already experienced participating in national and global events, such as the United Nations' COP26 event. Others also shared that they were able to join the government as regular government worker because of their background, experience, and track record as paralegals and community leaders. They now play key roles as allies of developmental legal organizations working within the government structure.

## Key Findings 4 : **Facilitating Factors**

Three themes emerged as factors facilitating the development of paralegals: (1) NGO interventions, (2) network and other support groups, and (3) internal or self-perception.

### **NGO interventions**

Capacity building and community organizing were key factors in facilitating paralegal development among marginalized communities. Through these interventions, the knowledge, attitude, skills, and habits of partner communities with regard to human rights protection, access to justice, and legal empowerment were improved. Members of grassroots organizations, especially the trained paralegals, gained confidence in pursuing justice and protecting the rights of their respective communities. Skills training and enhancement activities also made it possible for paralegals to provide legal assistance even without the presence of a lawyer. In terms of women's participation, integrating care responsibilities in the design and logistics of capacity-building activities made it easier for women to engage in legal empowerment and advocacy work of their respective organizations. In terms of the new normal brought about by the COVID-19 pandemic, the shifting of communications and learning avenues to online platforms facilitated the updating and upgrading of the paralegals' capacities despite the lockdown. This prepared them for the new 'battlefield' in legal empowerment and advocacy work, which is the virtual space.

The capabilities and dedication of NGO staff and lawyers were identified by study participants to be equally important as the capacity-building activities. According to them, knowing that technical, legal, and logistical support was always available gave them confidence and boosts their morale. These came in handy when the paralegals were working on cases or were involved in cases as witnesses, plaintiffs, or defendants.

The dedication of NGOs to paralegals and their work was evident in how NGO staff and lawyers addressed the security and safety concerns of paralegals, particularly those who encountered life-threatening situations. Participants from Kaisahan shared how the paralegals, together with the staff and lawyers of Kaisahan, devised a way to ensure safety and

protection within their group. They established an active communication system within their group and other partner CSOs, conducted sessions on security planning, and facilitated access to funds in cases of emergencies and temporary relocations.

### **Network and other support groups**

Network building, formation, and expansion also facilitated paralegal development among marginalized communities. Support groups provided motivation and inspired community paralegals to continue working for legal empowerment, access to justice, and human rights. The broader the network, the greater the support available; and with a diverse network, communities can access a wider range of services. Networks that helped facilitate and strengthen paralegal development, as identified by study participants, included other CSOs, the church or religious organizations, schools or the academe, media, and government agencies.

### **Internal motivation (sense of self and value of work)**

An important factor facilitating paralegal development that emerged in the studies was the community paralegals' self-perception and how they value the work they do for their respective communities.

The paralegals' enhanced self-perception bolstered their confidence to actively engage and lead in legal empowerment work and advocacy. This positive self-perception stemmed from the transformations in their knowledge, attitudes, skills, and practices instilled through their involvement in capacity-building initiatives. Moreover, their hands-on experience and familiarity with the legal process further solidified this confidence as they delved deeper into their roles in paralegal work.

The way they perceived the value of the work they did was also a source of pride for the community paralegals. Knowing that they contributed to the advancement of people's rights and welfare heightened their sense of service and appreciation for legal empowerment and advocacy work. Winning cases created long-term positive effects on their part as community paralegals, giving them hope and affirming that the justice system was working. This made their efforts in fighting for what was right, truth, and justice even more meaningful.

All of these have resulted in a stronger sense of commitment, courage, perseverance, and determination among community paralegals. The paralegals consistently displayed this steadfastness by continuing to carry out their tasks despite the challenges they faced.

## Key Findings 5 : **Challenges and Barriers**

Paralegal are challenged by their conditions of poverty and structural factors that hinder their work and development.

### **Lack of resources**

Participants in various case studies highlighted lack of resources as a major hindrance to paralegal development and work, affecting their ability to implement programs and sustain participation. Financial constraints hamper tasks like case building, documentation, and attending essential activities due to transportation costs and personal financial obligations. Turnover of lawyers is common due to funding uncertainties and limited program lifespans, posing challenges in sustaining legal engagement. Lastly, the lack of institutionalized paralegal programs within the government structure leads to uncertain financial support, and the absence of logistical backing, even in collaborative formations like Bantay-Dagat or BARC, poses challenges for program sustainability.

### **Highly stressful environment**

The nature of legal empowerment and advocacy work entails community paralegals to work in highly stressful environments. They face encounter threats to life and property, causing fear and anxiety. They also experience fatigue due to volunteerism, excessive workload, long campaigns, delays in case resolution, and internal conflicts within organizations.

### **Level of capabilities of paralegals**

The low level of capabilities of some community paralegals was also identified as a hindering factor to paralegal development. The lack of experience or exposure to legal empowerment work and advocacy makes them easily intimidated and disengaged from the process. Outdated knowledge and skills also hinder paralegal work.

The lack of second liners or next-generation volunteers was also considered a challenge, particularly in sustaining the gains that were achieved by grassroots communities. According to participants from LRC, ELAC, and WLB, today's youth are more inclined toward social media or prioritize their

studies to secure jobs elsewhere, aiming to support their families financially. The studies further highlight health issues and aging as additional barriers to the development of paralegals, exacerbating the challenges they face.

### **Factors that hinder women's participation**

The major factors hindering women's participation in legal empowerment and advocacy work are time constraints and care responsibilities. Domestic responsibilities continue to play an important factor in women's decision making when it comes to participation in paralegal work or any activity outside the home. The multiple burdens women carry also limits the time they can spend for socio-political work.

Gender stereotyping continue to pose challenges on paralegal development, particularly on the participation and development of women paralegals. Women paralegals continue to experience multiple burdens, attending to care responsibilities while doing paralegal work. As participants from WLB partner NAGSAKKA shared: "If the mother or eldest daughter will attend the activity, who will do the domestic and care work at home, and how will the mother provide the food for the family? How can she be permitted by her husband to attend the activity without them arguing with each other?" (WLB, 2023, p. 19). The LRC women participants from Mindanao shared similar experiences, where despite their desire to engage in legal empowerment work, they faced limitations imposed by social roles and rules concerning the scope and types of activities deemed suitable for women's participation.

### **Security and safety issues**

Across all case studies, one of the main challenges faced by community paralegals is the continuing harassment and threats to their lives and properties because of their paralegal work. Based on the stories shared by study participants, those dealing with land rights issues, particularly farmers and IPs, have experienced the most extreme levels of threat, with some resulting in the death of some community leaders.

Unfortunately, these incidents are commonplace in some areas, as one participant from LRC shared: "Communities have been dealing with security issues almost daily. However, security concerns are sometimes overlooked because they are regarded as regular occurrences in the community" (LRC, 2023, p. 7). The participant also shared that this affects paralegal work because only a few individuals have volunteered to document cases of killings and land grabbing in the area due to security concerns. The same was pointed out by informants from Kaisahan who explained that the non-stop threats received by farmers eventually weakened the POs in their area.

Other forms of challenges faces paralegals, including threats and harassment experienced by community paralegals include Strategic lawsuits against public participation (SLAPP) suits, red-tagging, demolition of properties, and job loss.

## **Government inaction**

Government inaction as a challenge to paralegal development takes on many forms. First, the slow resolution or total inaction of government agencies on cases involving grassroots organizations or paralegals themselves takes a toll on both the resources and wellbeing of community paralegals. An Tanggol Kalikasan informant shared how the SLAPP suit he faced took nine years to get resolved. Although it ended victoriously for him, he said that the time wasted waiting for the resolution of the case would have been better spent taking care of his family.

Second, the failure of LGUs to implement or enforce local ordinances—such as the case of Tanon Strait Fisherfolk Organization, where national laws were disregarded when a prominent political clan in Cebu returned to power and facilitated the passing of local ordinances allowing commercial fishing in municipal waters—and corrupted political dynamics lead to loss of trust in the government and the legal process. This, in turn, may result in the disengagement or inactivity of community paralegals.

Third is the lack of financial support or allowance for volunteers doing paralegal work for the government like the BARC and the Bantay Dagat. The lack of logistical support or funding for the maintenance and operating expenses to allow these entities to function also result in disinterest and turnovers among volunteers.

Fourth, a significant challenge lies in the government itself, which at times acts as the perpetrator of injustice against marginalized communities. Based on the experience of IP community partners of LRC in Mindanao, aside from the lack of representation and knowledge about the legal system, IP communities are being criminalized by the government, creating further barriers for IPs who need help the most. In some cases, it was the government that sanctioned the occupation of ancestral lands and the displacement of IP communities by development projects implemented by big corporations. Communities who opposed development projects in their ancestral domains were targeted by military or paramilitary groups. This led to harassment, intimidation, violence, or even death. IPs were then forced out of their lands, which are rich in natural resources. For one elder, government-sanctioned occupation of their territory “means that accessing justice is arduous in their case” (LRC, 2023, p. 2).

## **Lack of support from community members**

The absence of support from the paralegals’ own community renders both the paralegals and the individuals they assist vulnerable to threats and danger. WLB’s partner community paralegals who attend to VAWC cases shared how they faced constant dangers when doing emergency visits, especially in the middle of the night, and during mediation process, where they faced agitated people and seen as targets for revenge if a perpetrator was incarcerated.

They also shared experiences where husbands prevent them from engaging with women in their communities for fear that these women leaders might ‘poison’ the minds of their wives when discussing women’s rights.

In the case of CLB’s experience with OSAEC, the community perceived OSAEC as a ‘community livelihood program’ and felt threatened by efforts to halt the abuse occurring in their area. As a result, individuals affected by these issues, including cases where parents exploited their own children, were not receptive to the awareness-raising efforts and other actions undertaken by paralegals in the area.

Kaisahan reports of an unfortunate situation where trained paralegals are themselves enabling and arranging the leasebacks of awarded lands between landowners and CLOA holders. Informants shared that some paralegals became “agents” (i.e. brokers) for influential leaseholders (ariendadors). According to the informants, the most common cause for these incidents is the lack of support or difficulty in accessing support from service providers and government agencies. To mitigate the problem, Kaisahan, the DAR, and other CSOs focused on organizing the farmers and capacitating them to receive the much-needed support services.

## **COVID-19**

Lockdowns and restrictions during the COVID-19 pandemic have proven to be a major challenge, crippling paralegal formation and legal empowerment and advocacy work as a whole.

The movement and travel restrictions imposed across the country halted all activities. Scheduled capacity-building activities, advocacy work, and office work were put on hold, as the world tried to grapple with the pandemic and prioritized health and safety measures. WLB’s partner paralegals shared that during the pandemic, VAWC desk officers were relegated as Barangay Health Emergency Response Team (BHERT) Officers and prioritized implementing quarantine protocols over all other tasks. To illustrate this challenge even more, a woman who went out to report a case of VAWC was apprehended by the same VAWC-DOs-turned-BHERT-Officers as a quarantine violator.

Learning activities likewise stagnated, especially during the first few months of the pandemic. PROCESS Panay shared that the deputation of fish warden after the Fishery Law Enforcement Team Training was cancelled, resulting in the Bantay Dagat becoming non-operational in the municipality. Assistance to women and children was difficult to access—if not totally absent—during the lockdown. Assistance of paralegals in cases was also limited, as courts shifted to online platforms during court hearings.

The pandemic also brought economic costs. Loss of jobs, difficulties in finding income, and lack of food supplies were reported across all case studies. Majority also reported an increase in expenses incurred by individuals and households due to the observance of health protocols (e.g., required use of face masks, alcohol, and face shields). Transportation costs also doubled because of social distancing measures and lack of public transport available, which affected the provision of legal assistance to communities, including filing of cases in courts.

# Chapter V

## ALG : KLEAs Anchored on a Coalition

The findings reveal that members of the ALG pursue unique paths in empowering grassroots communities to access justice. While each member has individual trajectories, uniting under the ALG umbrella offers added benefits that not only align with members' goals but also contribute to the broader objectives of nurturing a developing democracy.



## POLICY REFORM

One of the significant undertakings of ALG as an umbrella network is the pursuit of judicial reform. The Philippine justice system suffers from a lack of transparency, a lack of accountability, congestion and delay in cases, and syndicated justice (Diokno, 2013). The Asian Development Bank (2014) cites insufficient fiscal autonomy and accountability, weak institutional integrity mechanisms, low functional efficiency, and limited access to the system, particularly by the poor, to be the key priority issues. The Supreme Court of the Philippines also recognized issues around access to justice and resolved to address these through a reform program. It recognized the following factors to hinder poor people from accessing justice: court delays, erroneous rulings, high costs of litigation, and insufficient information about the justice system (Co et al., 2001).

Through a series of regional consultations, the ALG (2004) identified the following reforms required of the judiciary: the courts are inaccessible and the marginalized lack legal counsels; lack of capacity of poor people to access legal and quasi-judicial mechanisms; lack of appreciation of issues affecting marginalized groups by the legal profession; low awareness of alternative dispute resolution of mechanisms; and accountability and transparency in the judiciary.

Given this context, the ALG decided to focus on what it considers the 'demand side' of the reforms. It prioritized empowering marginalized groups, policy advocacy, legal education, strengthening ADR mechanisms, and judiciary transparency and accountability, as well as its own institutional capacity building. The ALG (2004) sees itself as a 'catalyst of social change' by choosing to empower marginalized groups and advocating for judicial reforms.

Among the many and more recent translations of this work is ALG's work with the Court Appointments Watch (CAW) Network, where it seeks to ensure the selection of Justices with shown competence, integrity, probity, and independence through an open, inclusive, and transparent judicial appointments process that involves all citizens.

As an umbrella organization, the ALG has also built a portfolio of advocacies that encompass the work of its members. The ALG convenes the Green Bills Network, which advocates for the Philippine Greenprint, a master plan for environmental conservation for the country's forest, land, and mineral resources, as well as natural resources found in IPs' ancestral domains. These green bills (for land use, forest protection and management, alternative minerals management, and indigenous conserved territories) are individually pursued by members in Congress, yet the formation of the Philippine Greenprint is believed to have bolstered the momentum for these bills more effectively than if they were pursued as isolated efforts.

## STRATEGIC LITIGATION

Under the ALG, an Environmental Defense (EnDefense) Fund was also set up to provide grants to member organizations for their litigation expenses. Many of the cases funded by EnDefense were emblematic cases and potentially precedent-setting. The ALG (2018) maintains that it is the only such program of its kind, supporting more than 40 cases, covering the protection of forests, mangroves, ancestral domains, watersheds, and other natural resources.

The program is significant for providing litigation support to embattled communities, as well as for strengthening communities. For ALG (2018), the program has galvanized community resistance to development aggression and supported their right to self-determination or defining their development priorities and their natural resources use.

The program helped communities assert their environmental rights, file cases against violators, protect the community from SLAPP, and access remedies for violations (ALG, 2018). The program has also supported policy reform to create an enabling policy environment for environmental conservation and safeguards.

The ALG has also initiated cases as a coalition, among them against the Anti-Terror Law (ATL) or RA 11749. The ATL is widely seen by the civil society as a clampdown on dissent and a further erosion of civic space. The ALG was one of a record number of petitioners that questioned the constitutionality of the ATL. Though the law still stands, the petitions resulted in the Supreme Court striking down two provisions, one of which was deemed overbroad and violative of the freedom of expression (Dela Cruz & Morales, 2021).

The ALG was also an intervenor in General Register (GR) No. 174153 (i.e., Raul Lambina and Enrico Aumentado, together with 6,327,952 Registered Voters, Petitioners, vs. The Commission on Elections). This case involved a petition from Lambino et al. for the Commission on Elections to hold a plebiscite and ratify the more than 6 million signatures gathered to change the 1987 Constitution. The Supreme Court dismissed the petition as it did not meet the fundamental constitutional requirements for conducting a people's initiative (LawPhil Project, n.d.).

GR No. 169667 (i.e., ALG v. Executive Secretary Eduardo Ermita), meanwhile, assailed the constitutionality of Executive Order (EO) No. 464 or "Ensuring Observance of the Principle of Separation of Powers, Adherence to the Rule on Executive Privilege and Respect for the Rights of Public Officials Appearing in Legislative Inquiries in Aid of Legislation Under the Constitution, and For Other Purposes". EO 464 was invoked by then Executive Secretary Eduardo Ermita when questioned by members of the Philippines Senate about the North Luzon Railways project. The Supreme Court partly granted the petition, ruling that: "Resort to any means then by which officials of the executive branch could refuse to divulge

information cannot be presumed valid. Otherwise, we shall not have merely nullified the power of our legislature to inquire into the operations of government, but we shall have given up something of much greater value—our right as a people to take part in government” (Supreme Court, 2006).

## **ADVANCEMENT OF DEVELOPMENT LAWYERING**

The ALG also has a program fielding law student-interns to its various members and awarding fellowships to lawyer-members to attend to specific cases. This buttresses the paralegal development programs of individual members, as well as introduces new generations of law students to alternative lawyering as a viable career pathway.

Working with the Legal Education Board of the Philippines and the University of the Philippines College of Law, ALG became part of the Legal Education Advancement Program where it developed case studies featuring stories of ALG members and their experiences in handling legal issues with various communities. The case studies were chosen based on their legal complexities and how the social justice lens could be used to resolve some of the legal issues. With member group, Ateneo Human Rights Center of the Ateneo de Manila Law School, ALG has previously conducted a baseline study of law schools and their human rights offerings as part of a curriculum review project that also forwards alternative or developmental lawyering.

ALG co-organized with the Philippine Supreme Court the first of its kind national legal summit aimed to present and popularize developmental legal aid best practices among members of the Court and legal practitioners.

Networking is considered by ALG as an important aspect of developmental law solidarity and shared learning. As a translation of this approach, the ALG sits in various networks. It is the current Regional Anchor in Southeast Asia for the Legal Empowerment Network, an aggragation of grassroots justice defenders spread across the world, and is responsible for convening the members in the whole of Southeast Asia.

As part of its recent grassroots interventions, ALG with its select members embarked on the Women Environmental Defenders project, enhancing women environmental defenders safe expression and participation, and contribution to natural resources management and environmental protection in the country. This also sought to address some of the barriers of women’s participation and challenges in access to justice.

## **A COALITION**

The literature suggests that coalitions are sustained by solidarity (Einwohner et al., 2019; Pieck, 2013). According to Van Dyke and Amos (2017), the degree of development of trust,

commitment, and shared goals determines the durability and survivability of coalitions. Social links galvanize past actions, pledges, and reputational interest help create trust (Levi and Murphy, 2006). While challenged with resource mobilization and dedication of time by its members, the core of ALG's service for marginalized sectors and the shared vision and commitment of its members for developmental law sustain it.

The fact that developmental law practice remains the "alternative" requires the crucial coming together of (the few) like-minded organizations to effect social change. This underscores ALG's cohesion and challenge. A challenge made difficult by the power relations which the communities must take on. As the findings reveal, many community partners serviced by ALG members are red-tagged and inundated with SLAPP suits. The ALG's filing against the constitutionality of the Anti-Terror Law is strategic litigation that harkens to its roots of pushing for fundamental human rights. As support organizations, ALG members are often viewed as stepping on the toes of the elite class. Working within a coalition allows members to depend on each other.

ALG, established at a time of optimism and possibilities following the ouster of a dictator, maintains its cohesion through a shared vision of working toward legal empowerment of grassroots communities and by continuing to harness and sharpen its key legal empowerment approaches.

# Chapter VI

## Recommendations



## 6.1 STRATEGIC LITIGATION

ALG members pursued legal cases aligned with their organizational mandates. Most of these cases were emblematic and precedent-setting, in line with the framework of strategic litigation. The cases typically involved land rights (farmers and IPs), extractives, coastal resources and fisherfolk issues, women's rights, children's rights, and LGBTQIA+ rights. Most of the cases involved large businesses or duty bearers themselves abdicating their duties.

The strategic litigation activities encompassed various aspects of legal practice, such as case management, documentation, legal consultations, and research. Additionally, members engaged in community organizing, documentation assistance, government document processing, and capacity building, particularly in paralegal development.

The outcomes included the issuance of circulars, suspension of projects, enhanced legal capabilities within communities, establishment of legal networks for case monitoring, Supreme Court rulings, and heightened awareness of advocacy issues resulting from the litigation efforts.

Community empowerment was evident from the very act of filing a case in court, which was often not an option for communities left on their own devices. Other indicators of empowerment included monitoring cases, active community participation in legal proceedings, community involvement in crafting legal strategies, and members eventually assuming roles in government, showcasing their development.

Barriers included slow case resolution, institutional inertia, threats to community leaders' safety, sectors' limited awareness of their rights, unclear referral systems, duty bearers' lack of gender sensitivity, SLAPP cases against communities, powerful vested interests, and the system's insensitivity to survivors, among other challenges. Meanwhile, the hindering factors included lack of experience and exposure to the legal process, limited immediate legal assistance on the ground, cultural and economic barriers (especially for women), internal divisions within the community, insufficient data, and inadequate support for survivors. Underpinning the barriers is the challenge of the lack of lawyers that practice human rights and developmental law. The fact remains that there are not many lawyers that go into alternative lawyering and welcome the challenges the work invites.

Success was attributed to multiple factors. Partner organizations provided crucial moral and legal support, while capacity building and networking were instrumental. Paralegal training facilitated the identification of legal issues and initiated legal action. Exposure to issues and the legal process, along with alternative dispute resolution mechanisms and support for survivors, also contributed significantly to success.



## ***For the Government***

- Establish a tripartite agreement and coalition between CSOs, farmers, and implementing agencies, especially the DAR, to ensure adherence to agrarian reform mandates and address violations.
- Hold erring government officials accountable.
- Examine the Build Build Build program and road widening projects for their impact on agricultural land.
- Revisit the Local Government Code for stronger implementation, particularly in cases of national government agencies overriding LGU authority in the environmental or extractives sector.
- Set up strategically located satellite courts and offices.
- Establish an institutional body for consistent paralegal training and community empowerment with ongoing resource allocation and proactive outreach initiatives.
- Establish IP desks in the Commission on Human Rights (CHR), Public Attorney's Office (PAO), and Department of Justice (DOJ).
- Enact enabling laws for IP rights, especially in the BARMM.
- Implement checks and balances on regional legislation and policies aligned with the Constitution and IPRA.
- Ensure speedy disposition of cases.



## ***For the Civil Society***

- Develop second liners and capacitate them on new laws and climate change for CSOs.
- Continue capacity building for IP communities.
- Enable immediate access to local lawyers, especially for emergency cases in the environmental sector.
- Identify and undergo internal reorganization within formations.
- Focus on test cases for organizations.
- Explore other sources of funds.
- Capacitate prosecutors on child-sensitive cases.
- Partner with LGU for subsidizing volunteer lawyers.
- Organize regular conferences for lawyers.
- Continue empowerment of survivors.
- Maintain continuous dialogue between justice sectors and their stakeholders.

## 6.2 POLICY REFORM

Policy reform complements strategic litigation and moves the needle on social transformation where the law marches at a snail's pace. Activities in this arena run the gamut of reform, from crafting policy proposals to dialogues and research to awareness-raising activities.

Outcomes included the formation of networks, the passage of policies, and the strengthening of institutional core of ALG members. Empowerment indicators included increased capacity of sectors in terms of knowledge of both policies and the bureaucracy, participation in government processes, and community members themselves contributing to the drafting of policies.

Barriers took the form of culturally discriminatory attitudes, including patriarchal beliefs; lack of platforms for sectors to voice their concerns; funding issues; lack of access to information; discriminatory policies; overlapping and contradictory policies; and civic space issues, including harassment and intimidation of community members. Meanwhile, facilitating factors included the formation of networks, the moral and program support of CSOs to communities, community knowledge, convening multi-stakeholder (CSO-government) platforms, and quasi-judicial bodies that serve as platforms for community engagement.



## ***For the Government***

- Establish a tripartite agreement and coalition between CSOs, farmers, and implementing agencies, especially the DAR, to ensure adherence to agrarian reform mandates and address violations.
- Conduct more inclusive and specific dialogues to be attended by key officials of implementing agencies, so they will uniformly interpret and implement the laws related to agrarian reform. These dialogues should focus on priority cases and must allow policy reform.
- Hold public seminars when cascading new Administrative Orders to ensure transparency and understanding among stakeholders.
- Provide mechanisms where communities can suggest or critique policies.
- Establish a mechanism where communities can access funds and support services.
- Increase number of deputized fisheries wardens supported by LGUs.
- Conduct dialogues with LGU on issues surfaced by the FGDs (e.g., budget allocation and updating the MFO).
- Continue engaging with CSOs on benefit sharing.
- Continue IEC development for community capacity building.
- Establish IP desks in the CHR, PAO and DOJ.



## ***For ALG Members***

- Continue policy reform work.
- Continue to strengthen advocacy and campaigning capacity of communities.
- Assist in the fast-tracking of applications at concerned agencies (CADT).
- Strengthen women's organizing.
- Strengthen network (training, database improvement).
- Raise awareness, including debunking distorted narratives and amplifying truth-telling mechanisms.
- Build capacity on pre-intervention (e.g., psychological first aid).
- Monitor the implementation of passed ordinances.
- Strengthen partnerships with the academe.
- Integrate information and communication technology (ICT) platforms in IEC dissemination.
- Strengthen policy research.
- Review UNCRC Concluding Observations and Alternative Reports regularly.
- Strengthen communication plans.
- Work with barangay LGUs.



## ***For Funders***

- Provide more sustainable funding support.
- Establish regional hubs for trainings.



## ***Policy Priorities***

- Set policy agenda (full implementation of existing laws, participate in drafting IRRs, full implementation of the Child Witness Rule, Vigilance).
- Amend discrimination laws against children born out of wedlock, LGBTQIA+ children, and corporal punishment.
- Advocate for a 1 percent budget from Barangay Council for the Protection of Children (BCPC) for children.
- Mobilize resources and realign SK budget to include programs for child survivors.
- Train PAO on environmental laws.

## 6.3 PARALEGAL DEVELOPMENT

Paralegal development and formation are vital in improving people's access to justice, as they improve the knowledge, skills, attitudes, and habits of community paralegals. Community paralegals then use these to protect the rights and pursue justice for themselves, their own communities, and other marginalized sectors.

Four approaches to paralegal development were identified: capacity building, community organizing, advocacy work, and network creation and formation. Capacity building was the key approach to paralegal development, as it served as the foundation for all other legal empowerment approaches and functions as a preparatory and sustainability tool/mechanism for community paralegals in legal empowerment and advocacy work.

Outcomes of paralegal development included the emergence of empowered individuals and communities, increased accessibility to justice for marginalized communities, a paradigm shift in gender perspectives, and individual and personal development.

The factors influencing the development and sustained participation of paralegals were also discussed. These included NGO interventions, support from networks and other support groups, and positive internal or self-perception. Hindering factors, meanwhile, comprised lack of resources, highly stressful environment, level of capabilities of paralegals, and for women paralegals, time constraints and care responsibilities.

Overall, the case studies showed positive results of paralegal development among ALG members' partner communities, with community paralegals already taking the lead in legal empowerment and advocacy work in their respective communities. However, there is still much work to be done to support and sustain community paralegals and their vital work on the ground. Immediate priorities include ensuring the security and safety of paralegals, particularly those in imminent danger, and securing sustainable funding sources for programs and projects.

- Identify sustainability mechanisms for capacity building of partners and networks (including service providers from the government sector).
  - » Continue capacity building and raising awareness.
  - » Upgrade and update content and methodology of capacity-building activities.
  - » Update and upgrade IEC materials, media, and platforms.
  - » Integrate/utilize/maximize ICT/online platforms.

- Establish, strengthen, and expand networks of paralegals across the country.
- Provide psychosocial support to paralegals, such as debriefing sessions for those engaged in fieldwork to address mental health issues.
- Find ways to ensure safety and security of paralegals.
- Strengthen women organizing to ensure their full and active participation in paralegal development.
- Document best practices and disseminate them to CSOs and communities.
- Consider women's care responsibilities in capacity-building activities.
- Pace capacity-building activities properly to avoid information overload among participants.
- Funders and donors should open a more sustainable support to paralegal development initiatives.
- Organize and recognize paralegals by the LGUs for sustainability.
- Institutionalize paralegals and paralegal development in government structures.
- Schedule seminars and information dissemination by government agencies to cascade new or updated laws, rules, and regulations to stakeholders.
- Provide mechanisms, opportunities, and venues for dialogue by government agencies.
- Ensure speedy disposition of cases.
- Establish more accessible mechanisms for marginalized communities to secure funds and support services.

# Chapter VII

## Conclusion : Implications for Democratization



**“While Agta communities working with PANLIPI associate justice with court proceedings and rulings, they also connect it with their rights. It means ‘pantay na karapatan’ (equal rights), ‘pantay na pagtrato’ (equal treatment), ‘pagbibigay sa mga api’ (providing for the oppressed), and ‘pagtugon sa karapatan’ (responding to needs). ”**

**-Respondents during a PANLIPI FDG**

The research findings reveal that grassroots communities define justice as equality before the law, which is unsurprising considering the perceived inequality of the justice system in the Philippines.

It is also the protection of rights: “Ordinary citizens could assert their rights and are able to help if other people’s rights are abused.” Interestingly, respondents also frame justice as the provision of services: “abused women and children receiving government services” and “LGUs allocating funds for pro-poor programs.”

Communities value justice as a state where no one faces oppression. This concept highlights the absence of injustice, indicating not only protection from wrongdoing but also the absence of abuse of power and systemic denial of rights and entitlements. Their notion of justice transcends mere application of the law and legal empowerment; it is the condition of freedom from oppression. Illustrating how, at its core, oppression is based on hierarchical injustice which harms groups belonging assigned a low status (Chen, 2017).

The data gathered in this research affirm an oft-repeated refrain in the Philippines: access to justice is a long and drawn-out process. There are not enough legal officers to attend to sectoral-focused concerns; and courts lack a solid grasp of environmental principles, which negatively affects their appreciation, handling, and adjudication of cases. Support is often provided by non-state actors, such as NGOs. Moreover, when the results from legal cases are positive, the victory is often pyrrhic—the social, psychological, and even economic costs are too high.

The respondents shared specific, often recurring, challenges they have encountered over the years.

The first is the general weak implementation of laws. Laws often fail to protect them and their rights, as with the landmark IPRA. The FPIC of indigenous peoples guaranteed by IPRA is often vitiated and is reduced to mere consultation.

A persistent complaint by these communities is how justice is shaped by power disparities

(i.e., communities are often instrumentalized by large-scale development projects, instead of provided with equitable benefits; and that access to their livelihoods is constrained, if not prevented).

They are also being left in the dark when it comes to policies that affect them and their ways of life. Duty bearers, at times, fail in fulfilling their obligations or mandate; they most often do not fully appreciate the law.

Communities and support groups, however, have found a way around these obstacles through various actions that are premised on grassroots communities' capacitation and empowerment. Many of them have learned to craft resolutions to enjoy royalties from development projects. In the fisheries sector, paralegal trainings have resulted in community members becoming deputized as fish wardens. A municipal water map became the springboard for the enactment of a municipal fisheries code.

The cases identified in this study exhibited attributes of CCSL, where the needs of the community drive the process of the litigation. In the case of the Banasi farmers, they co-designed legal strategies and played a leadership role as the case unfolded, observing the principles of community-driven litigation. ALG members are explicit in stating the communities are at the center of their operations.

As ALG members filed cases in courts in support of communities, both members and community partners also devised meta-legal tactics from long marches to protest actions, signature campaigns to the production of information materials, and from case monitoring to the formation of desks. They have also pursued legislative advocacy to introduce new concepts and legal mechanisms for the protection of rights. In the experience of ALG members, reforms are often around substantive (women's, children's, and LGBTQIA+ rights), distribution (beneficial sharing from development projects), and regulation (environmental safeguards) policies. These are all attributes of social accountability, which have been proven to be more effective when paired with legal empowerment (strategic litigation).

These typify what the ALG calls the 'creative use of the law'. Radics and Pontanal (2022) argue that the historical view of the Philippine state characterizes it as an "elite institution that only uses the law to disenfranchise, exploit, and disempower citizens". It is in such a context where ALG members have marshaled a range of tactics and expressions that allow marginalized groups to access justice.

In the Philippines, Golub (1998) contends that many legal decisions are reached outside the ambit of the courts, unlike in more advanced Western democracies. In the issue of natural resources governance, for example, what is at work is a combination of "law, politics, and organizing in a way that typically involves citizen activism, executive agencies, and local governments rather than the judiciary" (Golub, 1998, p.277).

Alternative or developmental lawyering, thus, means less about sweeping impacts and more felt changes at the grassroots level, affecting “specific policies and communities” (Golub, 1998, p.278). Where institutions fail in delivering the promises of democracy, alternative lawyering ensures a modicum of accomplishment-based justice—changes that can be enjoyed by ordinary people.

Alternative lawyering in the Philippines forms part of a broader social movement, led by NGOs, that presents “a new way of doing politics”, reshaping public agenda and surfacing public issues outside those of the interests of the ruling elite (Noble, 1998, p.216) and by placing the concerns of the marginalized grassroots communities at the center. This role no less helps consolidate and secure democracy (Siliman & Noble, 1988).

After all, alternative lawyering, as has been made abundantly clear in the research findings, supports the agenda of transformative justice, which recognizes oppression as the root of all harm. At its core is helping to create an enabling environment for grassroots community actions. Only when grassroots communities are able to overcome inequities and themselves able to fully assert and claim their rights can justice and empowerment be truly realized. As such, only structural change—the ultimate expression of justice—is the viable future for the evolution of Philippine democracy.

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## Annex 1: Guide Questions

Key Empowerment Approaches	Rationale	General Guide Questions (see Annex 1 for suggested translation in Filipino)
Setting the premise		
1. Strategic Litigation	<p>Strategic or public interest litigation has been defined as the practice of lawyers seeking to precipitate social change through court-ordered decrees that reform legal rules, enforce existing laws, and articulate public norms (Chayes, 1976).</p> <p>It has also been defined as aiming “to bring about broad societal changes beyond the scope of the individual case at hand. It aims to use legal means to tackle injustices that have not been adequately addressed in law or politics” (ECCR n.d.).</p> <p>Under this approach, the study seeks to further understand the impact of strategic litigation in empowering grassroots communities in bringing about broader social change on access to justice. It will also highlight best practices, especially in the participation of the marginalized sectors in this key legal empowerment approach.</p>	<p>What are the impacts of strategic litigation or public interest litigation in bridging the gap on access to justice in relation to policy reforms, empowering the grassroots, and resolving justice problems?</p> <p>What is the impact of strategic litigation on women and gender justice issues.</p> <p>How do grassroots communities participate in strategic litigation?</p> <p>What are the gaps/ limitations of strategic litigation in addressing access to justice gaps and grassroots participation?</p> <p>What are the best practices on strategic litigation that promotes grassroots empowerment and participation?</p> <p>From the case studies, what are the contributing factors that promote effective strategic litigation?</p>

	<p>The study focuses on ALG’s thematic clustering, namely, environmental justice, women and gender justice issues, and children’s rights. Based on the initial scoping of ALG’s current and past experiences, these strategic litigation cases may zero in on three sectors/issues, such as land rights, environmental protection, and women’s rights. For participating organizations/countries, this study focuses on environment protection for Thailand, citizenship/statelessness for Malaysia, and land rights for Indonesia.</p>	
<p>2. Developing Paralegals</p>	<p>Community paralegals have long played a significant role in advocating and seeking concrete solutions to instances of injustice in their communities. CSOs from different countries have employed various methods in developing paralegals within the ranks of the grassroots (developing community paralegals from different grassroots or marginalized sectors). Primarily, these methods are designed based on the needs or injustice being faced by a specific sector or community.</p>	<p>What are the different models or methods of developing paralegals?</p> <p>What is the extent of development and participation of women paralegals in these models?</p> <p>What are the most effective and innovative strategies in developing community paralegals?</p>

	<p>This thematic focus will draw lessons from paralegal programs on how it contributes to grassroots communities' ability to use their knowledge of the law to seek/ obtain justice. It will also highlight the various approaches, if any, of developing paralegal programs, aiming to demonstrate effective and innovative legal empowerment strategies, as well as their challenges.</p> <p>Considering ALG's current and past experiences, these studies may zero in on methods of developing community paralegals working on women's rights, LGBTQIA+ rights, land rights (including IP communities), and labor rights. For participating organizations/countries, this study focuses on community paralegals that work on environmental protection for Thailand, citizenship/statelessness for Malaysia, and land rights for Indonesia.</p>	<p>What is the impact of community paralegals in improving the ability of marginalized groups to obtain justice?</p> <p>Examples of actual cases or success stories of community paralegals' especially of women paralegals.</p> <p>What are the challenges and contributing factors to strengthening and sustaining community paralegals?</p> <p>How did the current health crisis affect this approach?</p> <p>What are the innovative approaches to developing paralegals during the pandemic?</p> <p>What are the effective forms of partnerships that contribute to this approach (e.g., legal resource NGO- and CSO-community based paralegals)?</p>
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<p>3. Policy Reform Initiative</p>	<p>This thematic focus surveys policy reform initiatives and how these empower and develop grassroots community's participation in policy reform advocacy and lobbying. Judicial, executive, and legislative reforms may include grassroots participation in lobbying for local and national laws, monitoring court appointments to ensure a transparent and independent process, lobbying for special rules of court (e.g., special rules for environmental cases), government investment, and enforcement of policies.</p> <p>The two focus sectors/ issues for this study are gender equality and land rights. For participating organizations/countries, this study will focus on environment protection for Thailand, citizenship/ statelessness for Malaysia, and judicial reforms for Indonesia.</p>	<p>What are the significant policy reform initiatives that improved/enabled ensure access to justice in the country?</p> <p>How does this legal empowerment approach strengthen the grassroots communities' participation in policy reform advocacy?</p> <p>Can grassroots communities have any direct engagement in the legislative processes?</p> <p>How can grassroots communities participate or engage in judicial and executive policy reform processes?</p> <p>What are the challenges and limitations of grassroots participation in this approach?</p>
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		<p>What is the participation of grassroots communities in the enforcement of policy reforms that leads to the improvement of the policies?</p> <p>What are the significant recommendations on justice system reforms to ensure access to justice for the marginalized?</p> <p>What are examples, if any, of actual reforms in judicial, executive/ administrative, and legislative branch that helped enhanced access to justice for the marginalized and the protection of their rights.</p>
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## **Annex 2: Parameters for Conducting the Research**

In the conduct of the research the following actions and principles were applied:

- Researchers attended an orientation and basic training on research methods to be applied. The ethical conduct of each data gathering activity was emphasized;
- Participation of respondents was premised on the principle of Free Prior and Informed Consent. They were informed of the purposes and applications of the research. Where practicable, the final results of the research will be shared and discussed with the participants. The principle of informed consent entailed researchers providing sufficient information and assurances about taking part in the data gathering to allow participants to understand the implications of participation and to reach a fully informed, considered and freely given decision about whether or not to do so, without the exercise of any undue influence, pressure or coercion;
- Given then COVID19 condition, utmost care and adherence to existing health protocols were observed (e.g. protective gear, social distancing and conduct in an open air/ventilated area). Thorough consideration was undertaken to determine whether face-to-face interviews/FGDs will be conducted, otherwise data gathering was conducted online;
- Participation premised on voluntary participation. Each participant was given the right to withdraw from the study at any point of their participation;
- Research participants were not to be put in any danger or harm inasmuch as can be avoided, and in observance of utmost care and due diligence;
- Respect for the dignity of research participants was prioritized;
- The use of offensive, discriminatory, or other unacceptable language was avoided in the formulation of Questionnaire/Interview/Focus group questions.
- The protection of the privacy of research participants was ensured.
  - » Adequate level of confidentiality of the research data ensured;
  - » Participants had the choice whether or not their personal details may be indicated;
  - » Anonymity of individuals and organizations participating in the research ensured.

### **Annex 3: Participants**

Sectors

	Multisectoral	Farmers	Fishers
BALAOB	1	1	
CLB			
ELAC	1		1
Kaisahan		1	
Kanlungan			
LRC			
PANLIPI			
PEJC	1		1
PROCESS			
RAINBOW RIGHTS			
SALIGAN		1	
Tanggol Kalikasan	1		
WLB			
<b>TOTAL</b>	<b>4</b>	<b>3</b>	<b>2</b>

Participants

Women	Children	IP	LGBTQIA+	Migrant Worker
	1		1	
	1			
		1		
				1
		1		
		1		
			1	
1				
<b>1</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>1</b>

\*PO: people’s organization; CSO: civil society organization; GOVT: government; REL: religious

	KII					FGD
	PO	CSO	GOVT	REL	TOTAL	PO
BALAOB	1	1	1 (CHR)	0	3	5
CLB	0	2	0	0	2	3 OTHERS: (2) CVS (2) Mothers of CVS
ELAC	1	4	1 (LGU)	1	7	10
Kaisahan	0	1	2 MARO PARO	0	3	21
Kanlungan						
LRC	1	1	0	0	2	15
PANLIPI	0	0	4 (DOE)	0	4	*
PEJC	1	0	0	0	1	*
PROCESS	6	0	0	0	6	8
RAINBOW RIGHTS						
SALIGAN	0	1	1 MARO	0	2	15
Tanggol Kalikasan	4	1	0	2	7	7
WLB	3	0	1 MSWDO	0	4	21
<b>TOTAL</b>						

				Validation				
CSO	GOVT	REL	TOTAL	PO	CSO	GOVT	REL	TOTAL
7	0	2	14	4	5	0	2	11
1	7 (social workers; LGU; CASA/ GAL; GAD)	0	15	3	1	6 (Social workers; LGU; CASA/ GAL; GAD)	0	13
0	0	0	10	*	*	*	*	*
0	0	0	21	*	*	*	*	*
0	0	0	15	*	*	*	*	*
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
0	0	0	8	*	*	*	*	*
0	0	0	15	*	*	*	*	*
1	0	0	8	8	1	0	0	9
0	0	0	21	*	*	*	*	*

