



A QUALITATIVE STUDY: ASSESSING THE LEGAL NEEDS
AND ACCESS TO JUSTICE OF THE INDIGENOUS PEOPLES
IN ZAMBOANGA DEL SUR FOCUSING
THE SUBANEN COMMUNITY



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By:

Campomanes, Leziel B.

Damada, Karen T.

Fuertes, G Lady Ann C.

Vics, Shiela Marie A.

Victorrama, Nenrald B.

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ABSTRACT

A QUALITATIVE STUDY: ASSESSING THE LEGAL NEEDS AND ACCESS TO JUSTICE OF THE INDIGENOUS PEOPLES IN ZAMBOANGA DEL SUR FOCUSING ON THE SUBANEN COMMUNITY

RESEARCHERS: CAMPOMANES, LEZIEL B.; DAMADA, KAREN T.; FUERTES, G. LADY ANN C.; VICS, SHIELA MARIE A.; VICTORAMA, NENRALD B.

RESEARCH ADVISER: ATTY. ROMYLYN O. REGIDOR, CPA, LL.M.

This study examined the legal needs and access to justice of the Subanen community in Lakewood, Zamboanga del Sur. Specifically, it explored the participants' awareness of legal rights, experiences in seeking justice, challenges encountered in accessing legal services, and recommendations for improving access to justice within the community. The study employed a qualitative research design using semi-structured interviews with selected members of the Subanen community through purposive sampling. Data were analyzed using thematic analysis to identify recurring patterns and significant themes.

The findings revealed that while participants possessed a basic understanding of certain legal rights, many had limited awareness of available legal remedies and government services. Common barriers to accessing justice included financial constraints, geographical isolation, limited legal literacy, and the complexity of formal legal procedures. Participants also expressed a strong preference for customary dispute-resolution mechanisms facilitated by tribal leaders and elders due to their accessibility and cultural relevance. The study further highlighted the need for strengthened legal education, improved delivery of legal assistance services, and enhanced collaboration among government agencies, legal institutions, and indigenous leaders.

The study concludes that improving legal awareness and ensuring culturally responsive justice mechanisms are essential in promoting equitable access to justice for the Subanen community. The findings may serve as a basis for policy development and community-based interventions aimed at protecting indigenous rights and improving access to legal services.

Keywords: Access to Justice, Legal Needs, Subanen Community, Indigenous Peoples

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Chapter I - The Problem and Its Setting

1.0 Introduction

The Republic Act No. 8371 or known as Indigenous Peoples' Rights Act (IPRA) of 1997 recognizes the rights of indigenous communities to maintain their customary laws, manage ancestral lands, and access culturally appropriate dispute resolution mechanisms. Thus, to carry out the policies of this law, the National Commission on Indigenous People (NCIP) was created as the primary government agency responsible for the formulation and implementation of promoting the rights and well-being of the Indigenous Peoples (IPs) ¹

Further, it is the vision of this agency which is by 2040, all IPs will be fully empowered, their rights genuinely fulfilled and realized, their cultural heritage observed, respected, and preserved, and their ancestral domains and land sustainably protected and developed, ensuring active participation and contribution to nation-building with their identity remaining intact as they adapt to evolving times, and thus securing a lasting legacy for future generations. ²

Despite this legal recognition, formal state systems often remain distant, complex, and culturally misaligned, creating challenges in accessing justice. This deprivation emanated from several factors, including legal geographic isolation, legal illiteracy, procedural complexity of the justice system, legal pluralism, constrained participation in governance, and insufficient legal and financial support

¹ Republic Act No. 8371. (1997). *Indigenous Peoples' Rights Act of 1997*. Official Gazette of the Republic of the Philippines. Retrieved from <https://www.officialgazette.gov.ph/1997/10/29/republic-act-no-8371/> (accessed March 2026)

² National Commission on Indigenous Peoples (NCIP). (n.d.). *About the agency* (as defined by Philippine government records). Retrieved from <https://ncip.gov.ph/> (accessed March 2026)

services, where tensions between customary and state laws contribute to legal uncertainty and reinforce marginalization.³

Among the IPs of the Zamboanga Peninsula are the Subanen, who remain one of the largest non-Muslim indigenous groups in the region. Like many IPs in the Philippines, the Subanen navigate overlapping justice systems that combine customary laws with state-imposed legal frameworks. In the Municipality of Lakewood, Zamboanga del Sur (ZDS), where a significant Subanen population resides, structural barriers such as geographic isolation, socioeconomic limitations, and limited legal literacy influence how justice is understood and pursued.⁴ These conditions, combined with the coexistence of customary and formal legal systems, shape both the accessibility and perceived legitimacy of justice mechanisms within the community.

Understanding these dynamics requires examining how disputes are resolved, the challenges individuals face when engaging with formal courts, and how customary practices interact with state laws. It also involves exploring the Subanen people's experiences in relation to cultural and civil rights, as well as their access to legal representation and assistance.⁵

This research is likewise anchored on the United Nations 2030 Agenda for Sustainable Development, particularly its commitment to “leave no one behind.” The Sustainable Development Goals (SDGs) provide a global framework for addressing

³ Madrigal, L., Cuesta, J., & Somerville, S. (2025, March 29). *Indigenous Peoples, Land, and Conflict in Mindanao, Philippines*. World Scientific Connect. <https://www.worldscientific.com/doi/abs/10.1142/S0116110525500106>

⁴ Philippine Statistics Authority. (n.d.). *Demographic and socioeconomic data*. Retrieved from <https://psa.gov.ph>

⁵ OECD/Open Society Foundations (2019), *Legal Needs Surveys and Access to Justice*, OECD Publishing, Paris. <https://doi.org/10.1787/g2g9a36c-en>

inequality, strengthening institutions, and promoting inclusive development, with particular emphasis on ensuring access to justice for marginalized populations.⁶

Situated within the broader context of Indigenous rights and legal pluralism in the Philippines, this study aims to inform policymakers, local government units, legal aid providers, and Indigenous governance structures. It seeks to contribute to strategies that enhance access to justice, uphold cultural integrity, and ensure that legal services are responsive to the lived realities of the Subanen community in Lakewood, Zamboanga del Sur, in alignment with SDGs on reduced inequalities and peace, justice, and strong institutions.⁷

1.1 Statement of the Problem

Despite the legal protections afforded by the Constitution and international laws, IPs are consistently reported to have their systemic rights violated, land dispossession, and violence.⁸ This deprivation emanated from several factors, including legal geographic isolation, legal illiteracy, procedural complexity of the justice system, legal pluralism, constrained participation in governance, and insufficient legal and financial support services.⁹ The Subanen community, who reside at Lakewood, Zamboanga del Sur, are one of the IPs who are confronted with similar circumstances.¹⁰

⁶ United Nations. (2015). *Transforming our world: The 2030 Agenda for Sustainable Development*. United Nations. <https://sdgs.un.org/2030agenda>.

⁷ Ibid.

⁸ Madrigal, L., Cuesta, J., & Somerville, S. (2025, March 29). *Indigenous Peoples, Land, and Conflict in Mindanao, Philippines*. World Scientific Connect. <https://www.worldscientific.com/doi/abs/10.1142/S0116110525500106>

⁹ Marcus, C. (2025, April 25). *The Indigenous World 2025: Philippines*. IWGIA. <https://iwgia.org/en/philippines/5674-iw-2025-philippines.html>

¹⁰ Sadain, M.K. (2011). *Legal Pluralism: The prospects for conflict Resolution in the Philippines*. University of the Philippines. <https://l1nq.com/dfynaql>

In line with the identified problem, this study aims to develop recommendations that address the legal issues faced by the Subanen people. It is important to analyze the legal needs and access to justice of the IPs to have significant advocacy. Therefore, this research study aims to assess the legal needs and the access to justice of the IPs of Zamboanga del Sur focusing on the Subanen Community.

Specifically, this research seeks to answer the following:

1. How do the Subanen experience and perceive their legal needs in terms of cultural rights?
2. How do the Subanen experience and perceive their legal needs in terms of civil rights?
3. How do the Subanen access and utilize customary dispute resolution mechanisms?
4. How do the Subanen access legal representation or assistance in addressing their legal concerns?
5. Based on the findings, what implications can be drawn to the Subanen community of Zamboanga del Sur?

1.2 Historical Background

The IPs are recognized as the first settlers and original inhabitants of the Zamboanga Peninsula which includes the Province of ZDS. They have inhabited the area for thousands of years long before the arrival of Spanish, American and

other Migrants.¹¹ Among these IPs are the Subanen which are tagged as the biggest group of non-Muslim Indigenous Cultural Community in the peninsula. While other indigenous groups like the Yakan and Sama-Bajau are also natives to the peninsula principally in coastal areas. Historical accounts estimate that the Subanen have inhabited the region for approximately 2,000 to 6,000 years.¹²

The term “Subanen” is derived from *suba* (river) and *-nen* (origin), meaning “people of the river,” reflecting their traditional settlement patterns. Over time, external migrations including Moro groups during the 13th to 14th centuries and later Christian settlers gradually displaced many Subanen communities to upland and hinterland areas.¹³

Prior to the Spanish colonization, the Subanen maintained self-governing communities structured around customary laws called *Adat*, which regulate land use, conflict resolution, leadership succession, and community relations. Justice within these communities was administered through elders and chieftains called as *Timuay*, emphasizing reconciliation, restitution, and social harmony rather than punitive sanctions.¹⁴

The imposition of Spanish colonial rule from 1565 to 1898 and later American colonial rule in 1898 to 1946 introduced centralized governance and Western legal systems that displaced indigenous political structures. Customary laws of the Subanen were not formally recognized, and state concepts of land ownership contradicted communal and ancestral domain systems. These developments

¹¹ Tobin, B. (2014). *Indigenous Peoples, customary law and human rights – Why living law matters*. Routledge. <https://11nq.com/0tcs18g>

¹² Indigenous People's Rights Act of 1997. *Republic Act No. 8371*. National Commission on Indigenous Peoples (NCIP) website. <https://ncip.gov.ph/republic-act-8371/>

¹³ Doyle, C. M. (2014). *Indigenous peoples, title to territory, rights and resources: The Transformative Role of Free Prior and Informed Consent*. Routledge. <https://doi.org/10.4324/9781315780665>

¹⁴ Toledo, F. A. (2004). *The Timuay Justice System among the Subanen of Western Mindanao*. University of the Philippines thesis. <https://11nq.com/hbb79ba>

resulted in widespread land dispossession, marginalization, and the gradual erosion of indigenous governance mechanisms. As lowland settlements expanded, many Subanen communities retreated further into upland areas, reinforcing their physical and legal distance from formal justice institutions.¹⁵

Following Philippine independence in 1946, new government policies put even more pressure on the ancestral lands in the Zamboanga Peninsula. Because of this history, the Subanen people have been consistently left out of important decisions. This makes it very difficult for them to get legal help and legal remedies, especially in remote and rural areas.¹⁶

In the early 1900s, the Subanen population was estimated at 47,146, according to records from the governor of the District of Zamboanga. By the 2010 census, the population had grown to 148,402, and recent estimates place it at 188,142 (2020 census-based).¹⁷ As the population changed, so did land governance systems, often clashing with traditional Subanen practices and ancestral land rights. Interaction with state institutions such as barangay justice systems, municipal courts, and law enforcement has been influenced by barriers including geographic distance, limited legal literacy, language differences, and cultural insensitivity. While customary justice mechanisms continue to play a central role within the community, disputes involving land, natural resources, and inter-community relations increasingly fall under formal legal jurisdiction, complicating access to justice for the Subanen.¹⁸

¹⁵ Lynch, O. J. Jr. (2011). *The Spanish Era (1565–1898): Land Rights, Land Laws and Land Usurpation*.

¹⁶ IPON Philippines. (2018). *Statement on the Indigenous Rights of the Philippines*. NCIP IX. <https://ipon-philippines.org/blog/criminalization/statement-on-indigenous-peoples-rights-in-the-philippines/>

¹⁷ Philippine Statistics Authority. (2010, 2020). *Census of Population and Housing*.

¹⁸ Ong, T.A. (2015). *Understanding land grabbing, land rights in 21st century*. Rappler. <https://shorturl.at/vYzGI>

In response to historical injustices experienced by IPs, the Philippine government enacted the IPRA, which formally recognizes IPs rights to ancestral domains, self-governance, cultural integrity, and social justice. The law mandates the State to respect customary laws and traditional conflict resolution systems, particularly in cases involving indigenous communities. The implementation of IPRA is overseen by the NCIP, which is tasked with protecting IP rights, facilitating ancestral domain claims, and ensuring indigenous access to justice.¹⁹

In theory, IPRA and NCIP mechanisms provide legal avenues for the Subanen or IPs group in general in ZDS to assert their rights and resolve disputes in culturally appropriate ways. However, access to justice is often limited due to several factors, including geographic isolation, legal illiteracy, procedural complexity, legal pluralism, constrained participation in governance, and insufficient legal and financial support. These challenges, combined with tensions between customary and state laws, contribute to legal uncertainty and reinforce marginalization.²⁰

These factors shape how the Subanen perceive, access, and engage with justice institutions. The historical experience of the Subanen in ZDS demonstrates that contemporary legal needs are inseparable from broader socio-historical processes of marginalization, state formation, and legal pluralism. Today, customary tribal laws and formal government laws coexist, creating both opportunities and challenges in the pursuit of justice for IPs.²¹

¹⁹ Indigenous People's Rights Act of 1997. *Supra Note 12*

²⁰ *Ibid*

²¹ Sadain, M.K. (2011). *Supra Note 10*

1.3 Problem Rationale

Although national laws recognize and protect the rights of IPs, many indigenous communities continue to encounter barriers that limit the practical realization of these rights. Geographic isolation, limited legal literacy, procedural complexity, financial constraints, and restricted access to legal services often hinder IPs from obtaining legal remedies and participating fully in governance processes.

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For the Subanen community in Lakewood, Zamboanga del Sur, these challenges affect not only access to justice but also the protection of cultural and civil rights. While legal mechanisms exist to safeguard indigenous rights, the extent to which these mechanisms are accessible, responsive, and culturally appropriate remains an important area of inquiry.²³

By linking the legal issues faced by the Subanen community to the SDG, this study connects local access-to-justice concerns with broader commitments to equality, participation, and institutional accountability. At the national level, the IPRA of 1997, provides the legal framework for the recognition and protection of IPs' rights, including rights to ancestral domains, self-governance, cultural integrity, and social justice.²⁴

Philippine jurisprudence further reinforces the State's obligation to protect IPs' rights. The Supreme Court has emphasized the requirement of securing NCIP certification and obtaining Free and Prior Informed Consent (FPIC) from affected indigenous communities before the issuance of licenses, permits, or concessions

²² Unops. (2025, August 28). *Towards inclusion for indigenous peoples in the Philippines*. UNOPS. <https://url-shortener.me/HXZT>

²³ *The Philippines' Indigenous Peoples' Rights Act of 1997: Challenges to realizing the full potential of a progressive law*. (2020, September 18). focusweb.org. <https://surl.lu/quigwn>

²⁴ *Philippines: Obstacles concerning access to justice and protection for Indigenous people*. (2012, August). iwgia.org. <https://surli.cc/ogira>

affecting ancestral domains.²⁵ The Court likewise recognized the NCIP as the primary agency responsible for protecting IPs and resolving disputes involving indigenous rights, subject to the observance of customary dispute resolution processes.²⁶ Nevertheless, many Indigenous communities, including the Subanen, continue to encounter barriers that limit their access to legal institutions and participation in decision-making processes.²⁷

This study is likewise aligned with SDG 10 on reducing inequalities and SDG 16 on promoting peace, justice, and strong institutions. By examining the legal needs and access to justice of the Subanen community, the study contributes to ongoing efforts to strengthen inclusive institutions and ensure that no sector of society is excluded from the protection and benefits of the law.²⁸

Ultimately, the study seeks to bridge the gap between the legal recognition of indigenous rights and their practical realization by generating insights that may inform future advocacy initiatives, policy interventions, and community-based programs aimed at improving access to justice for IPs.

1.4 Scope and Limitations

The purpose of this research is to determine the legal needs and the access to justice of the IPs of Zamboanga del Sur focusing on the Subanen Community. The participants of the study are the Subanen people currently living at Lakewood,

²⁵ *Lepanto Consolidated Mining Company v. Ambanloc*, G.R. No. 180639 (Supreme Court of the Philippines, June 9, 2010). <https://sl1nk.com/lwdhk4r>

²⁶ *Spouses Robles and Maliones v. Timario, Jr.*, G.R. No. 252834 (Supreme Court of the Philippines, February 6, 2023). <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/69143>

²⁷ Elmedulan Jr, A. M., & Villanueva, H. D. (2017). Subanen rituals on communal gatherings in selected communities of misamis occidental and Zamboanga del Sur, Philippines. *Philippines Journal of Multidisciplinary Studies*. <https://multidisciplinaryjournal.com/pdf/133.pdf>

²⁸ United Nations Human Rights Council. (2014, August 7). *Access to justice in the promotion and protection of the rights of indigenous peoples: Restorative justice, indigenous juridical systems and access to justice for indigenous women, children and youth, and persons with disabilities* (A/HRC/27/65). <https://docs.un.org/en/A/HRC/27/65>

Zamboanga del Sur. The identification of the legal needs which refer to the rights of the Subanen people, includes their cultural and civil rights. The assessment of access to justice focuses on the process of attainment of legal protection, including access to customary dispute resolution and legal representation or assistance.

The participants of the study consist of selected members of the Subanen community identified through purposive sampling. The study is limited to the experiences, perceptions, and insights shared by the participants during the conduct of the research.

The geographical scope of the study is confined to the Municipality of Lakewood, Zamboanga del Sur. Consequently, the findings may not fully represent the experiences of all Subanen communities in the province or other IPs residing in different areas. Nevertheless, the study provides valuable insights into the legal realities and access-to-justice concerns of the Subanen community within the selected locale.

Based on the findings of the study, implications and recommendations are formulated to support future advocacy initiatives and programs aimed at improving access to justice and protecting the rights of IPs.

1.5 Definition of Terms

Legal Needs – are problems, often in housing, healthcare, or employment, that can be addressed by legal services, even if not recognized as "legal" by the individual.²⁹

²⁹ Minow, M. (2021). Equality vs Equity, *American Journal of Law and Equality*, 1, 167–193. https://doi.org/10.1162/ajle_a_00019

Civil Rights – legal guarantees that protect individuals' freedom from infringement by governments, organizations, and private individuals.³⁰

Access to Justice – is a fundamental principle of the rule of law, ensuring individuals can seek, obtain, and afford legal remedies for disputes, regardless of income, race, or status. It covers understanding rights, accessing legal aid, fair, timely, and impartial procedures, and protecting vulnerable populations.³¹

Legal Pluralism – is the coexistence of multiple, often overlapping legal systems or normative orders within a single, defined geographical or social space. It moves beyond the idea of a single state-run law, acknowledging that customary, religious, or indigenous laws often operate simultaneously with or independently of state-sanctioned systems.³²

Subanen People or Community – are indigenous people from the Zamboanga Peninsula in Mindanao, Philippines, known for their rich cultural traditions, clothing, and agricultural practices.³³ They primarily practice animism, with a strong belief in spirits and a supreme creator, and engage in various rituals for healing, protection, and agriculture.³⁴

Sustainable Development Goals – universal call to action to end poverty, protect the planet, and ensure that all people enjoy peace and prosperity. It is focused on, but not limited to, ending poverty, reducing inequality, tackling climate

³⁰ Hall, K. L., Ely, J. W., & Grossman, J. B. (Eds.). (2005). *The Oxford Companion to the Supreme Court of the United States* (2nd ed.). Oxford University Press. <https://sl1nk.com/g5qigxx>

³¹ Picard, R. G., & Pickard, V. (2023). Essential principles for contemporary media and communications policymaking. *Oxford University Research Archive (ORA)* (University of Oxford). <https://doi.org/10.60625/risj-kfr4-2t29>

³² Marišová, E., & Čechmánek, K. (2025). International public, private and procedural law. In *Slovak University of Agriculture in Nitra, Slovakia eBooks*. <https://doi.org/10.15414/2025.9788055229171>

³³ Pantao, A. (2021). Ethnolinguistic vitality of the Subanen Tribe in Barangay Sebasí, Clarín. *International Journal of Linguistics Literature & Translation*, 4(2), 129–137. <https://doi.org/10.32996/ijllt.2021.4.2.16>

³⁴ Cape, E. (2021c). Improving Pretrial Justice: The roles of lawyers and paralegals. *UWE Research Repository (UWE Bristol)*. <https://doi.org/10.34880/9pbh-se04>

change, improving health and education, and fostering economic growth, while ensuring no one is left behind.³⁵

Legal Illiteracy – is the lack of knowledge, understanding, and capacity to navigate the law, legal rights, and legal systems effectively. It hinders individuals from recognizing legal problems, enforcing their rights, or accessing justice, often leading to exploitation, inability to manage legal disputes, and reliance on others for legal understanding.³⁶

Procedural complexity – refers to the level of difficulty, number of steps, and specialized knowledge required to complete a task, process, or system.³⁷

Legal geographic isolation – refers to how physical, distance-based, or political boundaries, combined with legal mechanisms (such as zoning, property laws, and regulations), restrict access to services, economic opportunity, and social mobility for specific populations.³⁸

³⁵ Ibid

³⁶ Djuraev, I., Baratov, A., Khujayev, S., Yakubova, I., Rakhmonova, M., Mukumov, B., & Abdurakhmanova, N. (2025). The impact of digitization on legal systems in developing countries. *Qubahan Academic Journal*, 5(1), 81–117. <https://doi.org/10.48161/qaj.v5n1a1246>

³⁷ Blanchard, P. N., & Thacker, J. W. (2023). *Effective training: Systems, Strategies, and Practices*. SAGE Publications. https://archive.org/details/effectivetrainin0000blan_s4c4

³⁸ Minow, M. (2021). EQUALITY VS. EQUITY. *American Journal of Law and Equality*, 1, 167–193. https://doi.org/10.1162/ajle_a_00019

Chapter II - Review of Related Literature

2.0 The Review of Related Literature

This chapter presents the review of related literature and studies relevant to the present research. It examines existing scholarly works, legal frameworks, and empirical studies that provide theoretical and contextual foundations for understanding the legal needs and access to justice of IPs, particularly the Subanen community. Through the review of these materials, the study situates the research problem within the broader body of knowledge and identifies significant concepts, perspectives, and findings that guide the analysis of the present investigation.

Various scholars, institutions, and legal researchers have examined the legal conditions and justice systems affecting indigenous communities, particularly in relation to the protection of cultural rights, civil rights, ancestral domains, and access to justice. In the Philippine context, the recognition of indigenous rights has been institutionalized through Republic Act No. 8371, otherwise known as the IPRA of 1997, which recognizes the rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) to ancestral domains, self-governance, cultural integrity, and social justice.³⁹

Despite these legal protections, numerous studies have documented the continuing challenges experienced by indigenous communities in exercising their rights and accessing formal justice mechanisms. Existing literature suggests that legal recognition alone does not automatically ensure meaningful access to justice. Geographic isolation, legal illiteracy, poverty, institutional limitations, procedural

³⁹ Republic Act No. 8371. (1997). *Supra Note 1*

complexity, and cultural differences continue to create barriers that hinder indigenous communities from fully exercising their legal rights.

Several studies further emphasize that IPs often navigate both customary and formal legal systems simultaneously. Traditional dispute resolution mechanisms continue to play a significant role in resolving conflicts within indigenous communities, particularly in geographically isolated areas where access to formal legal institutions remains limited. However, the interaction between customary laws and formal legal systems may also create tensions, particularly when state legal procedures fail to recognize indigenous practices and cultural contexts.

The literature reviewed in this chapter focuses on two major areas relevant to the study: assessing the legal needs of IPs and their access to justice. The first section discusses literature related to legal needs, particularly in terms of cultural rights and civil rights. The second section examines studies concerning access to justice, including customary dispute resolution mechanisms, formal courts, and legal representation and assistance. These discussions provide a comprehensive understanding of the legal realities experienced by indigenous communities and establish the basis for analyzing the legal needs and access to justice of the Subanen community in Lakewood, ZDS.

a. Assessing the Legal Needs

Legal needs refer to situations in which individuals or communities require legal information, assistance, representation, or intervention to address issues involving rights, obligations, or disputes under the law. Legal needs assessments examine these issues from the perspective of individuals and communities directly experiencing legal problems rather than solely from the viewpoint of legal

institutions and professionals. This “bottom-up” approach allows researchers to better understand how legal concerns arise, how they are experienced, and how they affect the daily lives of marginalized groups.

According to the Organization for Economic Co-operation and Development (OECD), assessing legal needs is essential in understanding the relationship between justice and development, particularly among vulnerable and marginalized sectors. Legal needs surveys provide empirical data on the barriers individuals encounter in accessing justice, including financial constraints, lack of legal awareness, institutional inaccessibility, and procedural complexity. These barriers often prevent individuals from fully exercising their rights and obtaining legal remedies.⁴⁰

For IPs, legal needs are often shaped by historical marginalization, cultural exclusion, geographic isolation, and unequal access to legal institutions. Several studies involving indigenous communities have shown that despite the existence of legal protections, many IPs continue to experience difficulties in asserting their rights due to social, economic, and institutional barriers. Indigenous communities commonly encounter issues related to ancestral land ownership, lack of legal documentation, discrimination, participation in governance, and limited access to culturally responsive legal services.

Existing literature further reveals that legal concerns affecting IPs are closely interconnected with broader social and economic conditions. Land disputes, weak institutional support, poverty, and limited participation in governance processes continue to affect indigenous communities across various regions. In many cases,

⁴⁰ Organization for Economic Co-operation and Development (OECD). (2019). *Equal Access to Justice for Inclusive Growth: Putting People at the Centre*. OECD Publishing. <https://11nq.com/7pn5sbn>

IPs rely heavily on customary systems and informal mechanisms because formal legal institutions are often inaccessible, costly, or culturally unfamiliar.

Scholars likewise emphasize that understanding indigenous legal needs requires culturally sensitive approaches that recognize indigenous knowledge systems, customary laws, and communal values. Indigenous communities often perceive justice not only in procedural or legal terms but also in relation to communal harmony, cultural preservation, and collective well-being. This highlights the importance of examining legal needs within the social and cultural realities of indigenous communities rather than solely within formal legal frameworks.

These conditions are likewise observable among the Subanen community, where customary leadership structures, communal practices, and limited access to formal legal institutions shape their experiences of justice and legal protection. Assessing the legal needs of the Subanen community therefore provides an important basis for understanding how cultural rights, civil rights, and access to justice are experienced within both customary and formal legal systems.

i. Legal Needs in Terms of Cultural Rights

Cultural rights are fundamental to the identity, survival, and continuity of IPs. These rights encompass the preservation and development of indigenous traditions, customs, languages, belief systems, indigenous knowledge systems, and traditional governance structures. For IPs, cultural rights are deeply connected to ancestral domains, communal identity, and customary laws that regulate relationships within the community.

The IPRA of 1997 recognizes the right of ICCs/IPs to preserve and develop their cultures, traditions, and institutions while mandating the State to protect their cultural integrity. The law likewise recognizes the applicability of customary laws

governing property rights and social relations within indigenous communities. Furthermore, the Implementing Rules and Regulations of the IPRA emphasize the protection of indigenous cultural heritage, including sacred sites, indigenous knowledge systems, and traditional institutions.⁴¹

International legal instruments similarly recognize the importance of protecting indigenous cultural rights. Existing international literature emphasizes that IPs possess a unique relationship with their ancestral lands and cultural heritage, requiring legal protections specifically designed to preserve their identity, traditions, languages, and traditional ways of life. Cultural rights therefore extend beyond the preservation of customs and traditions and include culturally grounded rights to property, self-determination, and communal identity.⁴²

Several scholars argue that cultural rights are closely linked to ancestral land rights and traditional governance systems. Hall, Hirsch, and Li (2011) observed that indigenous cultural identity is frequently threatened by external development pressures, land conflicts, and resource exploitation.⁴³ Likewise, Cariño (2012) emphasized that the protection of cultural integrity is essential in maintaining indigenous community cohesion and preserving traditional knowledge systems.⁴⁴ These studies suggest that the weakening of indigenous cultural structures may also weaken the social and legal systems sustaining indigenous communities.

Studies focusing on IPs in Mindanao reveal that communities such as the Subanen, Manobo, and Teduray continue to rely on customary laws and traditional

⁴¹ Organization for Economic Co-operation and Development (OECD). (2019). *Supra. No. 40*

⁴² United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). (2007). <https://sl1nk.com/mpg9wt6>

⁴³ Hall, D., Hirsch, P., & Li, T. M. (2011). *Powers of Exclusion: Land Dilemmas in Southeast Asia*. University of Hawaii Press. <https://sl1nk.com/obza92j>

⁴⁴ Cariño, J. (2012). *Country Technical Notes on Indigenous Peoples' Issues: Republic of the Philippines*. International Fund for Agricultural Development (IFAD). https://www.ifad.org/documents/d/new-ifad.org/philippines_ctn-pdf

leadership systems in regulating social relations and resolving disputes. Rodil (2004) observed that traditional governance structures remain central to the maintenance of order and justice within many indigenous communities in Mindanao. However, the integration of customary justice systems within formal state institutions remains limited, which may affect the ability of IPs to fully assert and protect their cultural rights.⁴⁵

Existing literature also suggests that IPs continue to experience discrimination and cultural marginalization despite legal protections. Modernization, migration, external economic activities, and formal institutional structures may contribute to the gradual erosion of indigenous traditions and practices. In many indigenous communities, younger generations increasingly become detached from traditional customs, rituals, and languages due to external cultural influences and changing social conditions.

Moreover, scholars emphasize that legal awareness among IPs remains uneven, particularly in geographically isolated communities. While laws such as the IPRA provide substantial legal recognition of indigenous cultural rights, many indigenous individuals remain unfamiliar with the practical mechanisms through which these rights may be exercised and protected. This gap between legal recognition and practical realization continues to affect the effective protection of indigenous cultural identity.

These conditions are similarly observable within the Subanen community, where cultural identity remains closely tied to customary laws, ancestral domains, communal practices, and traditional leadership systems. Examining the legal needs

⁴⁵ Rodil, B. R. (2004). *The Minoritization of the Indigenous Communities of Mindanao and the Sulu Archipelago*. Alternate Forum for Research in Mindanao (AFRIM). <https://shorturl.at/DK6MH>

of the Subanen in terms of cultural rights is therefore essential in understanding how they preserve their identity, protect their traditions, and navigate the interaction between customary and formal legal systems.

ii. Legal Needs in Terms of Civil Rights

Civil rights refer to the fundamental freedoms, protections, and entitlements guaranteed to individuals under the law. These rights include equal protection before the law, participation in governance, property ownership, access to public services, legal recognition, and protection from discrimination. For IPs, civil rights are closely associated with ancestral domain recognition, land tenure security, participation in decision-making processes, and access to state institutions and legal remedies.

The IPRA of 1997 recognizes the rights of IPs to ancestral domains and self-governance, affirming their authority to manage and protect their traditional territories and resources. The law was enacted in response to the historical displacement, exclusion, and marginalization experienced by indigenous communities due to colonial and state-imposed systems. Through the IPRA, the State formally recognizes the rights of ICCs/IPs to ownership, possession, and utilization of ancestral domains, as well as their right to participate in matters affecting their welfare and development.⁴⁶

Despite these legal guarantees, existing studies indicate that IPs continue to face significant barriers in exercising their civil rights. Lynch (2011) observed that bureaucratic procedures relating to ancestral domain recognition and land titling frequently create difficulties for indigenous communities, particularly those located

⁴⁶ Organization for Economic Co-operation and Development (OECD). (2019). *Supra No. 40*

in remote or geographically isolated areas. Complex documentary requirements, limited financial resources, and institutional inaccessibility often hinder IPs from securing formal legal recognition of ancestral claims.⁴⁷

Several studies further reveal that land-related issues remain among the most pressing concerns affecting IPs. Overlapping land claims, informal inheritance practices, lack of legal documentation, and external encroachment upon ancestral lands continue to create legal vulnerabilities for indigenous communities. In many cases, indigenous land ownership is governed by customary practices and verbal agreements that are not fully recognized within formal legal systems, thereby increasing the risk of disputes and dispossession.

Research also suggests that IPs continue to experience limited access to government services and public institutions. According to the United Nations Development Programme (UNDP), many indigenous communities encounter barriers in accessing legal documentation, healthcare, education, transportation, and legal assistance due to geographic isolation, poverty, and institutional limitations. These conditions significantly affect the ability of IPs to exercise their civil rights and participate fully in social and political processes.⁴⁸

Studies focusing on Mindanao further highlight the continuing challenges faced by indigenous communities in relation to governance participation and political representation. Accordingly, observed that IPs frequently experience political marginalization and limited representation within local governance structures. Factors such as low educational opportunities, unfamiliarity with

⁴⁷ Lynch, O. J. (2011). *Legal and Institutional Frameworks for Indigenous Peoples' Land Rights in the Philippines*. <https://l1nq.com/iqx573m>

⁴⁸ United Nations Development Programme (UNDP). (2019). *Access to Justice and Indigenous Peoples*. <https://sl1nk.com/mpg9wt6>

bureaucratic systems, and weak institutional support contribute to the exclusion of IPs from formal decision-making processes.⁴⁹

Discrimination also remains a recurring issue affecting the exercise of civil rights among IPs. Existing literature suggests that negative stereotypes, social prejudice, and unequal treatment continue to contribute to the marginalization of indigenous communities. Such conditions may discourage IPs from asserting their rights or engaging with formal institutions due to fear of discrimination or exclusion.

Moreover, scholars emphasize that legal literacy plays an important role in strengthening indigenous civil rights. Indigenous communities with limited awareness of legal procedures and rights are often more vulnerable to exploitation, land dispossession, and institutional exclusion. Consequently, legal education and culturally sensitive legal assistance are frequently identified as important mechanisms for improving indigenous participation in governance and protecting their civil rights.

These conditions are likewise evident within the Subanen community, where issues relating to land ownership, legal documentation, access to government services, and participation in governance continue to affect their access to justice and protection under the law. Assessing these legal needs provides a clearer understanding of how civil rights are experienced and exercised within both customary and formal legal systems.

⁴⁹ Jayma, J. M. L. (2017). Indigenous peoples engagement to mainstream local politics: A Southern Philippines narrative. *Jurnal Ilmiah Administrasi Pemerintahan Daerah*, 9(2). <https://ejournal.ipdn.ac.id/JAPD/article/view/105>

b. *Assessing Access to Justice*

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”. Furthermore, the UNDP further defines access to justice as “assisting poor and marginalized people to use formal and/or informal institutions in order to seek justice”.⁵⁰ But the Office of the Ombudsman mentioned, “Access to justice may be characterized as an elusive terminology in the sense that it does not have a direct formal definition. Rather, the definition of access to justice largely depends on the context to which it is being attributed. It is a process that has to be adapted to particular contexts and situations.”⁵¹ Therefore, this study highlights the access to justice with regards to customary dispute resolution and legal representation or assistance in legal concerns.

Access to justice is an essential human right and the foundation of democratic governance. For Indigenous Peoples (IPs) in the Philippines, it represents not only fair treatment under the law but also recognition of their cultural identity, ancestral domains, and customary institutions. Despite legal progress, numerous studies indicate that Indigenous communities continue to face systematic barriers in asserting their rights, often due to the disconnect between state legal systems and traditional governance structures.⁵²

⁵⁰Center for Migrant Advocacy, *Access to justice: International Commitments*, available at <https://shorturl.at/0SAAt3> (last accessed March 20, 2026)

⁵¹Office of the Ombudsman, *Primer Access to Justice*, available at <https://shorturl.at/2iawb> (last accessed March 20, 2026)

⁵² Rey Ty, *Persistent and Continuing Struggles: The Status of Indigenous Peoples in the Philippines*, available at <https://sl1nk.com/ozw99dc> (last accessed March 20, 2026)

The Indigenous Peoples' Rights Act (IPRA) of 1997 (Republic Act No. 8371) remains the primary legal instrument protecting the rights of Indigenous Peoples in the Philippines. The law guarantees rights to ancestral domains, self-governance, cultural integrity, and social justice. It also established the National Commission on Indigenous Peoples (NCIP) to oversee implementation.⁵³

However, research conducted points out that IPRA's protection to the IP's is often undermined by conflicting national laws such as the Philippine Mining Act of 1995, which allows extractive activities within ancestral lands. Despite IPRA's provision for Free, Prior and Informed Consent (FPIC), the enforcement of this requirement is frequently inconsistent, leading to allegations of token consultation and displacement of Indigenous communities.⁵⁴

Similarly, as one article wrote, while IPRA is a step in the direction of recognizing indigenous autonomy, it exists only within the framework of the state and fails to offer true self-determination. The overlap between customary and statutory systems frequently creates jurisdictional ambiguities that delay justice for Indigenous communities.⁵⁵

Despite these challenges, Indigenous communities have preserved traditional justice institutions like council-of-elders adjudication and restorative practices, which emphasize reconciliation rather than punishment. However, these

⁵³ Republic Act No. 8371 (1997), *Supra Note 1*

⁵⁴ Ampater et al., *Indigenous Peoples' Rights Act (IPRA) Law in the Philippines: A Scoping Review on the Effectiveness*, available at <https://jurnal.fisip.untad.ac.id/index.php/JPAG/article/view/1657> (last accessed March 20, 2026)

⁵⁵ Molintas, Jose Mencio, *The Philippine Indigenous Peoples' Struggle for Land and Life: Challenging Legal Texts*, available at <https://l1nq.com/lveai87> (last accessed March 20, 2026)

systems are frequently sidelined or unrecognized by formal courts despite a recognition in Section 15 of IPRA of their validity.⁵⁶

Several studies and human rights reports identify structural barriers that hinder Indigenous peoples' access to justice. This includes legal barriers, institutional barriers, socioeconomic barriers, and corporate and state abuses. In legal barriers, there is limited awareness of rights, language differences, and complex judicial procedures make courts inaccessible. In institutional barriers, there are reports from the Asian Human Rights Commission (AHRC), which reveals a delay in case resolutions, lack of cultural sensitivity among officials, and minimal NCIP presence in remote areas. In socioeconomic barriers, there is a presence of poverty, remoteness, and lack of transportation further restrict participation in legal processes.⁵⁷ In corporate and state abuses, shows that extractive industries are a major source of rights violations, with victims often intimidated or silenced.⁵⁸

In the case of *Jimmy Liguyon*, an indigenous leader in Bukidnon province, reveals a pattern of violence that is happening regularly against indigenous leaders seeking accountability for land rights violations. As the Asian Human Rights Commission (AHRC) report reads, "*Jimmy* had been receiving death threats from members of a paramilitary group due to his anti-mining advocacy in their village. His murder was aggravated by lack of protection, despite him having drawn attention to

⁵⁶ Divina Law, *Respect for the Norms of Indigenous Community*, available at <https://www.divinalaw.com/dose-of-law/respect-norms-indigenous-community/> (last accessed March 20, 2026)

⁵⁷ International Work Group for Indigenous Affairs, *Philippines: Obstacles concerning access to justice and protection for indigenous people*, available at <https://shorturl.at/wfj3l> (last accessed May 25 2026)

⁵⁸ International Commission of Jurists, *Access to Justice: Human Rights Abuses Involving Corporations*, available at <https://shorturl.at/CGxOc> (last accessed March 20, 2026)

the threats.” When state institutions do not investigate such cases, the outcome becomes a culture of impunity.⁵⁹

Many Indigenous communities, as found in a recent study by International Work Group for Indigenous Affairs, prefer resolving disputes through traditional means, which are faster and culturally resonant. But government authorities seldom follow these system results and rarely respect or enforce them.⁶⁰

In Northern Luzon, the Cordillera area’s *Bodong System* (peace pact councils) has proven itself to be an effective traditional mechanism for settling disputes. But when cases wind up in formal courts, results are often ignored, causing protracted litigation and internal division.⁶¹

The reviewed literature consistently highlights a mismatch between the progressive text of Philippine laws and the everyday realities of Indigenous peoples. While IPRA laid the groundwork for equal recognition, the persistence of bureaucratic inefficiency, legal complexity, and competing economic interests undermines meaningful access to justice.⁶² Therefore, a stringent assessment of access to justice among IPs can determine subsequent phases of actions to combat the gaps of IP’s access to justice.

⁵⁹ Asian Human Rights Commission, *PHILIPPINES: Indigenous leader opposing mining murdered*, available at <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-066-2012/> (last accessed March 20, 2026)

⁶⁰ International Work Group for Indigenous Affairs, *supra* note 57.

⁶¹ Reidan M. Pawilen, *Of Justice, Community, and Change: The Bodong as a Judicial Institution for Indigenous Communities in Ilocos Sur and Abra, 1982-2018*, available at <https://11nq.com/vuewvry> (last accessed March 20, 2026)

⁶² Domingo, S. N., & Manejar, A. J. A. (2020). *Review of Indigenous Peoples policy and institutional grounding* (PIDS Discussion Paper Series No. 2020-20). Philippine Institute for Development Studies. <https://doi.org/10.62986/dp2020.20>

i. Customary Dispute Resolution

Customary dispute resolution mechanisms are central to social order and justice within many Indigenous communities.⁶³ Grounded in legal pluralism, these mechanisms coexist with state law and are often preferred for their cultural legitimacy, accessibility, and restorative orientation.⁶⁴

Legal pluralism posits multiple coexisting normative orders, such as state, customary, and religious, shaping how disputes are framed and resolved.⁶⁵ In Indigenous people, customary systems derive authority from community recognition, relational accountability, and continuity with tradition rather than codified statute.⁶⁶ These systems emphasize restorative ends, like harmony, reintegration, and restitution, over adversarial adjudication.⁶⁷ Problem emerges when government-focused due process norms, evidentiary rules, or punitive logics come in conflict with customary-based conciliation.⁶⁸

Indigenous peoples often use customary dispute resolution first due to proximity, low or no cost, language familiarity, and trust in elders or councils.⁶⁹ Typical cases include land and resource boundaries, family matters, inter-clan conflicts, and lower-level harms, but when involving cross-community, high-stakes,

⁶³ United Nations, *Access to Justice in Ordinary and Indigenous Justice System*, available at <https://sl1nk.com/5gwped3> (last accessed May 04, 2026)

⁶⁴ Paul Schiff Berman, *Global Legal Pluralism: A Jurisprudence of Law Beyond Borders*, available at <https://l1nq.com/dxly8ix> (last accessed April 30, 2026)

⁶⁵ *Id*

⁶⁶ Brian Z. Tamanaha, *Legal Pluralism Explained History, Theory, Consequences*, available at <https://sl1nk.com/moihp50> (last accessed May 04, 2026)

⁶⁷ Lisa Isaac Human Resources, *Alternative Dispute Resolution*, available at <https://l1nq.com/oue9ers> (last accessed April 30, 2026)

⁶⁸ United Nations, *supra note* 63.

⁶⁹ United Nations, *supra note* 63.

or rights-intensive cases, these are more likely to shift toward formal courts.⁷⁰ Social capital, especially dense kinship networks, community reputation, and the moral authority of elders, lowers the entry of barriers to customary forums and strengthens enforcement through normative pressure, which in turn increases both uptake and voluntary compliance.⁷¹

Common practices of the IPs include dialogue circles, elder-led mediation or conciliation, oath-taking, compensation, public apology, and peace pacts. Procedures are flexible and context-responsive, privileging relational truth over rigid evidentiary rules. Conciliation is frequently preferred as a culturally resonant term and method, reflecting collective deliberation and elder guidance. Remedies prioritize restitution and social repair, with sanctions enforced through community norms and reputational consequences.⁷²

The IPRA (1997) recognizes Indigenous Cultural Communities or Indigenous Peoples' rights to practice customary laws, including conflict resolution, and calls on the state to respect these mechanisms.⁷³ Empirical reviews across Philippine Indigenous communities consistently describe the centrality of councils of elders, kinship-based negotiations, and inter-community peace pacts in resolving disputes, highlighting their restorative focus and high rates of voluntary compliance.⁷⁴ A recent case brief on NAMAMAYUK details stepwise conciliation, like party-level talks, elevation to elders, and inter-community sessions, with agreements centering on

⁷⁰ Primitivo Ili Cabanes Ragandang, *Philippines: A Review of the Traditional Conflict Resolution Practices Among Indigenous Cultural Communities*, available at <https://l1nq.com/cl0vlfb> (last accessed May 04, 2026)

⁷¹ Akanmu Adebayo, Jesse Benjamin & Brandon D. Lundy, *Indigenous Conflict Management Strategies: Global Perspectives*, available at <https://sl1nk.com/l2llv6v> (last accessed April 30, 2026)

⁷² Lisa Isaac Human Resources, *supra* note 67.

⁷³ United Nations, *supra* note 63.

⁷⁴ Primitivo Ili Cabanes Ragandang, *supra* note 70.

restitution and relationship repair. In practice, utilization varies across groups, with documentation challenges for unwritten norms and uneven state actors' familiarity with customary outcomes.⁷⁵

Factors influencing the use of customary dispute resolution are both enabling and constraining. On the facilitating side, cultural congruence with community norms, the speed and low cost of proceedings, the legitimacy of elders as trusted arbiters, and the enforceability of outcomes through social sanction all encourage parties to choose customary forums. Statutory recognition further reduces jurisdictional friction and supports the acceptance of settlements beyond the community.⁷⁶

In contrast, barriers include power asymmetries, such as the influence of dominant clans, and attendant risks of bias, a limited reach when disputes involve inter-ethnic or outsider parties, and concerns about alignment with human rights standards related to due process and equality. Weak record-keeping can also impede formal recognition of agreements by state institutions, underscoring the need for improved documentation and safeguards.⁷⁷

Power asymmetries remain an ongoing concern in customary dispute resolution where power is monopolized in dominant clans or by locally influential families, where discussions are influenced implicitly or explicitly by incumbent power relations, kinship loyalties, or patronage ties, which can generate outcomes that reflect negotiated power rather than impartial adjudication. Ethnographic research into Indigenous dispute settlement among the Panay Bukidnon describes instances

⁷⁵ NAMAMAYUK, XSF and ANGOC, *Customary Dispute Resolution: The Case of the Indigenous Cultural Communities of NAMAMAYUK in the Philippines*, available at <https://l1nq.com/t0ffzvi> (last accessed May 04, 2026)

⁷⁶ Primitivo Ili Cabanes Ragandang, *supra* note 70.

⁷⁷ Brian Z. Tamanaha, *supra* note 66.

in which weaker parties accept resolutions that preserve social cohesion but leave underlying inequities unaddressed, suggesting how deference to authority and the desire to restore harmony can obscure inequalities of voice and bargaining power.⁷⁸

Similar dynamics characterize a range of land and resource disputes in Mindanao, where the relationship of customary leaders towards political elite or economic actors can impact the results with regards to boundary and tenure, particularly when they involve major resources of wealth. Without protective guarantees, there will be an adherence to an elite alignment that can bias resolutions and limiting remedy for weaker claimants. Customary forums similarly faced limited reach and enforceability when involved in a multiracial and multi-ethnic conflict or in an outsider-based case, for example migrant settlers, companies or claimants in overlapping state tenurial instruments. These cross-community disputes, customary authority and social sanction may not bind non-members, leading to compliance gaps and necessitating a combination of approaches, which includes NCIP-facilitated settlements, barangay conciliation, or judicial processes, to secure enforceable outcomes and reconcile competing legal claims. Reports from Mindanao indicate a history of tension between claims on ancestral domain and state-issued land instruments, such as titles or leases, showing that mere customary settlements may be inadequate without administrative or court recognition.⁷⁹

⁷⁸ Irving Domingo Rio, *Indigenous Dispute Settlement: Learning from the Panay Bukidnon Tribe*, available at https://ijhss.thebrpi.org/journals/Vol_6_No_11_November_2016/9.pdf (last accessed May 31, 2026)

⁷⁹ United Nations Special Rapporteur on the rights of Indigenous peoples, *Administration of justice, indigenous peoples and human rights, Philippines*, available at <https://11nq.com/d2bwrcp> (last accessed May 31, 2026)

There is a further challenge with customary alignment with human rights norms. A comparative guidance emphasizes that all justice systems, including customary ones, should meet minimum guarantees of fairness, equality, and non-discrimination. But in practice, due process may be variably defined or inconsistently applied in customary forums. Those gaps are most intensely felt in sensitive contexts such as gender-based violence or cases involving children, where there can be a tendency for the restoration of harmony can pressure survivors toward reconciliation, minimize the seriousness of harm, or undermine their autonomy and safety. Studies on Indigenous justice and children in the Philippines describe situations where community expectations and family interests influence put on a heavy weight to the complainants, which led to raising concerns over voluntariness, adequacy of remedies, and availability of protective measures in these situations.⁸⁰

Weak record-keeping is a systemic barrier to the portability and recognition of customary outcomes by state institutions. Oral agreements, minimal minutes, and the absence of clear documentation regarding parties, terms, consent, and enforcement conditions hinder later validation by barangay bodies, administrative agencies, or courts. Jurisprudence acknowledges the legitimacy of customary justice and the rights of IPs to use their institutions, but it also demonstrates that when agreements surface in formal venues, adjudicators require reliable proof of process and consent to give effect to settlements; where records are scant, recognition falters, producing delays, duplicative proceedings, or outright rejection.⁸¹

⁸⁰ Save the Children UK, *Indigenous administration of justice and its impact on the protection of children: the Tagabawa-Bagobo and Subanen Experience*, available at <https://11nq.com/b34afx1> (last accessed May 31, 2026)

⁸¹ Supreme Court of the Philippines. (2021). *Daco v. Cabajar*, G.R. No. 222611 (Nov. 15, 2021). https://lawphil.net/judjuris/juri2021/nov2021/gr_222611_2021.html

Legal pluralism analyses in the Philippine context therefore stress the need for community-acceptable documentation practices and co-designed safeguards—such as written agreements, standardized minutes, and clear escalation thresholds—to preserve the legitimacy of customary forums while enabling interoperability with state systems and protecting the rights of vulnerable parties.⁸²

Also, women and youth often face constrained participation in some customary fora due to gendered authority structures; however, adaptations such as inclusion of women elders, dedicated women's circles, and trauma-informed safeguards are emerging.⁸³ In cases of domestic or sexual violence, restorative pathways risk coercion without protective measures; rights-aligned adaptations emphasize voluntary participation, safety planning, and clear thresholds for mandatory referral to state systems.⁸⁴

For the Subanen of the Zamboanga Peninsula, an elder-led, customary-based dispute resolution remains central in addressing community conflicts, particularly in land and resource governance and family affairs. The aforementioned barriers to customary dispute resolution are also experienced by the Subanen people.⁸⁵ Therefore, there is a necessity for an assessment of the access to justice among the Subanen people with regards to its customary dispute resolution.

⁸² Paul Schiff Berman, *supra* note 64.

⁸³ Prescribed Body Corporate, *Dispute Management*, available at <https://nativetitle.org.au/learn/pbcs-making-it-work/dispute-management> (last accessed April 30, 2026)

⁸⁴ Robert Neron, *ADR in the Aboriginal Context*, available at <https://adric.ca/adr-in-the-aboriginal-context/> (last accessed April 30, 2026)

⁸⁵ Hanayo Hirai, *Indigenous Communities in the Philippines: A Situation Analysis*, available at <https://sl1nk.com/j1plydg> (last accessed April 30, 2026)

ii. Legal Representation and Assistance

Access to legal assistance and representation for Indigenous Peoples (IPs) is widely defined in the literature as the availability and effective use of information, advice, accompaniment, and formal advocacy necessary to understand, claim, and defend rights within both state and customary systems.⁸⁶

International laws and policy such as the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and operational guidance on Free, Prior and Informed Consent (FPIC) elaborate that access to justice for IPs entails culturally appropriate procedures, early-stage assistance, interpreter services, and remedies that recognize collective as well as individual rights. These norms position FPIC as a core procedural safeguard whenever projects affect Indigenous lands, territories, and resources, and they emphasize the need for participation and consent that is informed, voluntary, and documented in ways communities can meaningfully engage with. In this view, “legal assistance” encompasses rights education, documentation support, and administrative navigation, while “legal representation” entails licensed counsel acting for IP clients before courts and administrative bodies to assert or defend rights. Together, they form a continuum of services that must address language, culture, geography, and collective decision-making to be genuinely accessible.⁸⁷

In the Philippines, the legal and institutional laws and policy is comparatively viable on paper. The Indigenous Peoples’ Rights Act of 1997 (Republic Act No. 8371, IPRA) recognizes ancestral domains, self-governance, cultural integrity,

⁸⁶ International Commission of Jurist, *Principles on Indigenous and other Customary or Traditional Justice Systems, Human Rights, and the Rule of Law*, available at <https://i1nq.com/ciky7eg> (last accessed May 24, 2026)

⁸⁷ UN-REDD Programme, *Guidelines on Free, Prior and Informed Consent*, available at <https://www.unccllearn.org/wp-content/uploads/library/un-redd05.pdf> (last accessed May 24, 2026)

social justice, and human rights, and it creates the National Commission on Indigenous Peoples (NCIP) with authority to implement IPRA, including adjudicative and quasi-judicial functions over certain disputes and the administration of ancestral domain titles. IPRA also embeds FPIC as a precondition for activities affecting Indigenous territories.⁸⁸

Legal assistance and representation operate through multiple channels in the Philippines: the Public Attorney's Office (PAO) provides counsel for indigent litigants primarily in criminal and some civil matters; the NCIP Legal Affairs Office renders assistance and representation in IPRA-related cases, including CADT/CALT processing and FPIC-related proceedings; Integrated Bar of the Philippines (IBP) legal aid chapters and university legal clinics furnish pro bono or low-cost representation; and non-governmental organizations and Indigenous Peoples' Organizations (IPOs) deploy community paralegal programs and partner with public interest lawyers on strategic litigation.⁸⁹ The FPIC regime is operationalized through NCIP administrative issuances, notably the 2006 and 2012 FPIC Guidelines, which set procedural steps for field-based investigations, community assemblies, validation of decision-making processes, and documentation of consent or non-consent.⁹⁰

Despite this architecture, the literature and reports document persistent barriers that constrain effective access to assistance and representation for IPs. A primary area of concern is the integrity and implementation of FPIC. Submissions to international oversight bodies and civil society analyses have argued that

⁸⁸ Republic Act No. 8371 (1997), *Supra Note 1*

⁸⁹ NCIP, *Collaborative Framework*, available at <https://sl1nk.com/f1l6qro> (last accessed May 24, 2026)

⁹⁰ NCIP Administrative Order No. 01, Series of 2006. See also NCIP Administrative Order No. 03, Series of 2012. <https://sl1nk.com/6v860k0>

revisions to FPIC procedures and field practices have, at times, drifted from IPRA's baseline definition, risking consultation fatigue, information asymmetries, compressed timelines, and consent obtained without full linguistic and cultural comprehension. These critiques emphasize inadequate interpreter provision in community assemblies, elite capture of processes, and pressures exerted during negotiations, all of which diminish the value of legal assistance that depends on clear, community-wide understanding and valid documentation.⁹¹

There is a case in the extractives sector (e.g. mining, oil, and gas) undermining the stakes of specialized representation. In *La Bugal-B'laan Tribal Association, Inc. v. Ramos*, which scrutinized the constitutionality of Financial or Technical Assistance Agreements (FTAAs) with foreign mining corporations, catalyzed national debate on Indigenous rights and resource governance. While the decision centered on constitutional questions, it highlighted structural power asymmetries and the complexity of litigating Indigenous claims involving overlapping statutory schemes, technical evidence, and administrative interfaces, such as areas where IP communities require sustained, expert legal representation to protect their interests. Secondary digests and academic commentary consistently reference *La Bugal* as emblematic of the litigation burdens borne by Indigenous claimants in high-stakes development conflicts.⁹²

Language and cultural barriers remain a cross-cutting impediment throughout the justice chain. Studies and advocacy reports note the scarcity of trained interpreters for Indigenous languages in early contact points (e.g. police stations, barangay proceedings, NCIP field offices) and in courts and quasi-judicial

⁹¹ International Work Group for Indigenous Affairs, *supra* note 57.

⁹² *La Bugal-B'laan vs. DENR*, (G.R. No. 127882). <https://shorturl.at/mXAiv>

hearings. Where interpretation is absent, misunderstandings can lead to coerced pleas, defective agreements, and withdrawal of complaints. International guidance stresses the duty to ensure culturally and linguistically appropriate procedures; however, Philippine practice is uneven, particularly in geographically isolated and disadvantaged areas where connectivity and institutional presence are thin. This problem interacts with under-resourced legal aid: PAO and NCIP legal units carry heavy caseloads and have limited field mobility budgets, while NGO and IPO programs often depend on time-bound donor funding, creating gaps in continuity of assistance.⁹³

Geography and cost also amplify these barriers. Many IP communities are in upland or island barangays far from courts, NCIP regional/field offices, and IBP legal aid centers. Travel expenses, opportunity costs, and limited scheduling of mobile or circuit services impede sustained participation in administrative proceedings (e.g., CADT/CALT processing, FPIC validations) and court hearings. Literature repeatedly calls for stable, flexible funding that covers interpretation, transport, and intensive field documentation—cost drivers that are distinctive to land and resource claims and that cannot be absorbed within standard legal aid allocations designed for routine urban caseloads.⁹⁴

The interface of legal pluralism, where customary law and state law meet, creates additional protection gaps. Without clear protocols recognizing customary authorities, decision-making processes, and admissibility of customary evidence, state fora may discount community norms, while customary processes may lack safeguards for women, children, and persons with disabilities. International

⁹³ UN-REDD Programme, *supra* note 87.la

⁹⁴ Hanayo Hirai, *supra* note 85

standards encourage respectful integration with rights safeguards; in practice, outcomes vary significantly by locality and by the training and discretion of officials, affecting the quality and legitimacy of representation and remedy available to IPs.⁹⁵

In the criminal justice domain, IPs face vulnerabilities at arrest, inquest, and bail stages due to language barriers, distance from counsel, and distrust arising from histories of discrimination. Human rights reporting in the Philippines and regional analyses document prejudicial stereotyping and due process lapses that are aggravated when indigent defendants lack timely, culturally competent defense and interpreter services. The cumulative effect is heightened exposure to pre-trial detention and adverse plea outcomes, underscoring the need to front-load assistance with interpreters and trained defense counsel from first contact.⁹⁶

Overall, the literature converges on a clear conclusion that the Philippines' strong formal recognition of Indigenous rights under IPRA has not fully translated into equitable, practical access to legal representation and assistance among IPs, specially among the Subanen people.⁹⁷ Bridging this gap requires sustained investment in culturally competent legal aid, accredited interpreter training for Subanen dialects, mobile and community-embedded services, and protocols that integrate customary law within state procedures.⁹⁸ Therefore, a rigorous

⁹⁵ UN-REDD Programme, *supra note* 87.

⁹⁶ International Work Group for Indigenous Affairs, *supra note* 57.

⁹⁷ Tiongco, G. J. S. J. (2021, February 4). *A rock and a hard place: Challenges of free legal aid in the Philippines*. Thomson Reuters Foundation. <https://l1nq.com/s7z6qq0> (last accessed May 29, 2026)

⁹⁸ Asylum Capacity Support Group, *Philippines: Provision of free and accessible public legal assistance, counselling and representation to indigent persons of concern (POC)*, available at <https://sl1nk.com/o5vfyr9> (last accessed May 24, 2026)

assessment to the access to justice among the Subanen is a primary step for bridging such gaps.⁹⁹

While numerous studies have examined Indigenous rights, access to justice, and customary legal systems in the Philippines, limited research specifically explores the lived experiences of the Subanen community in Lakewood, Zamboanga del Sur. Existing literature largely focuses on legal frameworks, policy implementation, and broader indigenous populations, leaving a gap in understanding how the Subanen experience and perceive their legal needs and access to justice within their unique socio-cultural context. This study seeks to address this gap by providing a qualitative assessment of the Subanen community's experiences regarding cultural rights, civil rights, customary dispute resolution, and legal representation or assistance.

2.1 Theoretical Framework

a. Legal Needs Theory

This study is grounded in the theory of legal needs, a well-developed area within the Access to Justice field. Legal needs encompass problems and issues faced by individuals that have a legal component and demand legal intervention, regardless of whether those affected recognize them as such.¹⁰⁰

The foundational work on legal needs comes from Hazel Genn, who defines them as situations where people require legal support to settle disputes, safeguard rights, or secure entitlements. Genn (1999) notes that legal needs extend beyond

⁹⁹ United Nations Development Programme, *Judicial Integrity and Independence of South East Asia*, available at <https://www.undp.org/asia-pacific/judicial-integrity/publications/judicial-integrity-and-independence-southeast-asia> (last accessed May 29, 2026)

¹⁰⁰ Genn, H. (1999). *Paths to justice: What people do and think about going to law*. Oxford: Hart Publishing. <https://gsdrc.org/document-library/paths-to-justice-what-do-people-think-about-going-to-law/>

formally identified legal conflicts to include common concerns like land disputes, employment matters, family conflicts, and accessing public services. This expanded view emphasizes that legal problems are rooted in social and economic contexts and frequently go unaddressed due to barriers in accessing justice.¹⁰¹

Additionally, this frames legal needs as the disparity between the legal problems people encounter and the effective resolution of those issues. It highlights that unmet legal needs emerge when individuals cannot obtain suitable legal help or remedies due to financial, geographic, cultural, or institutional obstacles, challenges that are especially acute for marginalized groups such as IPs, who face systemic barriers in engaging with formal legal systems.¹⁰²

For Indigenous communities, legal needs must be understood through culturally sensitive and pluralistic lenses. IPs often depend on customary laws and traditional governance structures that may not be fully acknowledged by formal state legal institutions. Consequently, their legal needs include not only access to formal justice mechanisms but also the protection and recognition of their customary rights especially regarding ancestral domains, self-governance, and cultural integrity.

This theoretical framework directs the study in identifying, analyzing, and interpreting the legal needs of the Subanen community in Zamboanga del Sur. It emphasizes that legal needs are socially constructed, context-specific, and strongly shaped by structural inequalities. Through this framework, the study aims to uncover both stated and unstated legal needs and evaluate how well existing justice mechanisms address them.

¹⁰¹ Genn, H. (1999), *Supra Note 100*

¹⁰² OECD/Open Society Foundations (2019), *Supra Note 5*

b. Access to Justice Theory

This study draws its theoretical foundation from the Access to Justice paradigm articulated by Mauro Cappelletti and Bryant Garth (1978), which serves as the framework for examining the accessibility and efficacy of justice systems. The theory posits that the effectiveness of legal rights depends on the accessibility of justice mechanisms. It identifies economic, procedural, and structural barriers that prevent marginalized populations from enforcing their rights. The theory's three waves—legal aid reform, representation of collective interests, and institutional restructuring—provide a framework for evaluating justice system responsiveness.

The Access to Justice Theory argues that the mere existence of legal rights is insufficient unless individuals have effective mechanisms to enforce those rights. Justice must be accessible, affordable, timely, and meaningful, especially for marginalized and disadvantaged groups.

This framework is especially pertinent to the present study, as the difficulties encountered by the Subanen community in Lakewood, Zamboanga del Sur mirror the core issues identified within the Access to Justice discourse. Constraints such as limited legal literacy, geographic remoteness from formal justice institutions, financial limitations, and insufficient institutional support significantly impede their ability to seek and obtain remedies. By employing this theoretical lens, the study assesses whether the legal safeguards provided under Philippine law are effectively transformed into substantive and enforceable remedies for Indigenous communities.

2.2 Other Relevant Theories

While Legal Needs Theory and Access to Justice Theory serve as the primary theoretical foundations of the study, several complementary theories further enrich the analysis of the legal needs and access to justice of the Subanen community. These theories provide additional perspectives for understanding the historical, structural, cultural, and institutional factors that shape the experiences of IPs. Although not the principal theoretical anchors of the study, they help contextualize the findings and support the interpretation of the participants lived experiences.

1. *Postcolonial Legal Theory and Subaltern Studies (Gayatri Spivak & Antony Anghie)*

Postcolonial Legal Theory and Subaltern Studies examine how colonial legal structures and Western governance models continue to influence contemporary legal institutions, often resulting in the marginalization, displacement, and exclusion of indigenous populations. The theory argues that despite legal reforms and constitutional protections, IPs frequently remain underrepresented in formal legal and political systems.¹⁰³

This theory is relevant to the study because the historical experiences of the Subanen reflect long-standing patterns of marginalization and exclusion. Historical accounts illustrate how Spanish and American colonial rule disrupted traditional governance structures, contributed to land dispossession, and reinforced the social and geographic isolation experienced by many indigenous communities.¹⁰⁴ Through

¹⁰³ Salsabia, H. F., & Prihatika, Y. D. (2026). *A postcolonial study of Native American marginalization in Wapiti Reservation, Red Dead Redemption 2*. *Journal of English Language and Education*, 11(2), 72–85. <https://doi.org/10.31004/jele.v11i2.1963> (accessed May 17, 2026).

¹⁰⁴ Lynch, O. J. Jr. (2011). *Supra note 15*, at 5.

this lens, the study recognizes that the legal challenges encountered by the Subanen are influenced not only by present conditions but also by historical structures that continue to shape access to justice.

2. *Structural Violence Theory (Johan Galtung)*

Structural Violence Theory explains how social, political, economic, legal, and cultural structures may systematically disadvantage certain groups by limiting their access to opportunities, resources, and services. Unlike direct violence, structural violence is embedded within institutions and manifests through unequal access to education, governance, economic opportunities, and justice.¹⁰⁵

This perspective is useful in understanding the barriers identified by the participants during the study. The findings revealed challenges such as geographic isolation, legal illiteracy, financial limitations, procedural complexity, and limited access to legal assistance.¹⁰⁶ Rather than viewing these difficulties solely as individual experiences, the theory allows the study to interpret them as manifestations of broader structural conditions that affect the ability of the Subanen community to exercise their rights and access justice.

3. *Legal Pluralism Theory (John Griffiths & Sally Engle Merry)*

Legal Pluralism Theory posits that two or more legal systems or normative orders may coexist within the same social field or geographic space. It rejects “legal centralism,” the notion that state law is the only legitimate source of legal authority,

¹⁰⁵Galtung, J. (2024). *Structural violence and social injustice*. *Journal of Global Ethics*. <https://www.tandfonline.com/doi/full/10.1080/21665095.2024.2400895> (accessed May 17, 2026).

¹⁰⁶ Ong, T.A. (2015) *Supra* note 18, at 6.

and recognizes that customary, indigenous, or religious laws may operate alongside formal state legal systems.¹⁰⁷

This theory is highly relevant to the present study because the Subanen continue to navigate multiple legal systems. Community disputes are often addressed through customary laws and traditional leadership structures led by the Timuay before being referred to formal institutions such as the Barangay Justice System or courts when necessary.¹⁰⁸ The theory therefore provides a lens for understanding how customary and formal legal systems interact and how this interaction influences the Subanen community's experiences of justice, dispute resolution, and legal protection.

4. *Legal Empowerment Theory (Amartya Sen & Stephen Golub)*

Legal Empowerment Theory emphasizes the capacity of individuals and communities to understand, access, and utilize legal systems in protecting their rights and addressing their concerns. It shifts the focus from purely institutional reforms toward strengthening the ability of marginalized groups to engage with legal processes and participate in decisions affecting their lives.¹⁰⁹

This theory serves as an advocacy-oriented perspective for the study. The findings revealed that many participants experience challenges related to legal literacy, access to legal assistance, and familiarity with legal procedures. At the same time, participants expressed the need for greater awareness of their rights

¹⁰⁷ *Contesting the myth of legal universality: A critical reading of legal pluralism*. (2025, July). Accessed on May 15, 2026, from <https://www.lawjournals.net/assets/archives/2025/vol7issue3/7075.pdf>

¹⁰⁸ *Supra* note 14 to 15, at 5.

¹⁰⁹ Advocates for International Development (2023). *SDG legal guide: Chapter 16*. A4ID. https://a4id.org/wp-content/uploads/2023/04/SDG-Legal-Guide_Chapter-16_FinalNew.pdf (accessed May 17, 2026).

and stronger support from legal and government institutions. Through the lens of legal empowerment, the study highlights the importance of initiatives that strengthen legal awareness, improve access to culturally responsive legal services, and promote meaningful participation of IPs in governance and decision-making processes.¹¹⁰

Taken together, these theories provide complementary perspectives that support the primary theoretical framework of the study. They help explain how historical influences, structural barriers, customary legal practices, and community empowerment shape the ways in which the Subanen understand, experience, and navigate justice within both customary and formal legal systems.

¹¹⁰ Golub, S. (2015). *What is legal empowerment? An introduction*. *The International Journal of Human Rights*. <https://www.tandfonline.com/doi/full/10.1080/13642987.2015.1029335> (accessed May 18, 2026).

Chapter III - Research Methodology

This chapter presents the research methodology of the study, the nature of the methodology applied, methodological objectives/rationale, and sources of data.

3.0 - Nature of the Methodology Applied

This study employs a qualitative research approach, utilizing a phenomenological research design to explore the lived experiences of the Subanen community in relation to their legal needs and access to justice.

Research Design

The phenomenological design is appropriate as it seeks to capture the essence of participants' experiences, perceptions, and challenges in accessing justice. This approach allows the researchers to understand how members of the Subanen community interpret and navigate both formal legal systems and customary dispute resolution practices.

Research Environment

The study is conducted in the selected Subanen community in the Municipality of Lakewood, Province of ZDS. The area is predominantly rural and mountainous, with geographically dispersed communities that face challenges in accessing legal and government services. The presence of traditional leadership structures, such as the Timuay, highlights the continued relevance of customary laws within the community.

Research Participants and Sampling Technique

The participants of the study consist of selected members of the Subanen community in Lakewood, ZDS, who possess relevant knowledge and experiences related to legal needs and access to justice. These include Subanen community members, tribal leaders such as the Timuay, Indigenous Peoples Mandatory Representatives (IPMR), and other individuals who are directly engaged in or knowledgeable about customary and formal justice processes.

The study employs purposive sampling, a non-probability sampling technique in which participants are intentionally selected based on specific criteria relevant to the research objectives. In this study, participants are identified based on their experiences with legal concerns, involvement in dispute resolution, or familiarity with both customary and formal legal systems.

Furthermore, the selection of participants is facilitated through the recommendations of the community head, ensuring that those chosen are credible, knowledgeable, and representative of the community's experiences. This approach enhances the reliability and cultural appropriateness of the data collected, as it respects local structures and ensures the inclusion of key informants who can provide rich and meaningful insights.

Legal and Cultural Context

The study is situated within the framework of existing laws and policies affecting indigenous peoples, particularly the IPRA of 1997, which recognizes the rights of indigenous communities including the Subanen community to self-

governance and the use of customary laws. This context is essential in understanding the interaction between formal and indigenous justice systems.

3.1 - Methodological Objectives/Rationale

This study aims to assess the legal needs and access to justice of the Subanen community in Lakewood, ZDS.

Specifically, it aims to:

- Assess how the Subanen experience and perceive their legal needs in terms of cultural rights;
- Assess how the Subanen experience and perceive their legal needs in terms of civil rights;
- Examine how the Subanen access and utilize customary dispute resolution mechanism;
- Examine how the Subanen access legal representation or assistance in addressing their legal concerns; and
- Formulate implications to the findings drawn.

The use of a qualitative phenomenological approach is justified by the nature of the study, which seeks to understand the lived experiences, perceptions, and realities of the Subanen in relation to their legal needs and access to justice. Legal concerns among indigenous communities are often shaped by cultural practices, traditional governance systems, and geographical conditions, which cannot be fully captured through quantitative methods. By focusing on participants' narratives and experiences, this approach enables the researchers to gain deeper insights into how the Subanen interpret their rights, navigate both customary and formal justice systems, and respond to legal challenges.

Furthermore, the study is grounded within the framework of the IPRA of 1997, which recognizes the rights of indigenous peoples to self-governance and the application of customary laws. This methodological approach ensures that the voices of the Subanen are central to the study, thereby providing a context-sensitive basis for developing recommendations aimed at improving access to justice.

3.2 - Sources of Data

Data Collection Method

Data are collected primarily through in-depth, semi-structured interviews, allowing participants to share their experiences and perspectives freely. In-depth interviews are conducted to obtain detailed, first-hand accounts from participants regarding their experiences, perceptions, and insights related to the research topic. This method allows the researchers to gather rich, descriptive data that cannot be easily captured through quantitative approaches.

The interviews follow a semi-structured format, enabling the researchers to ask guided questions while allowing flexibility for participants to elaborate on their responses. This approach ensures both consistency and depth in data collection.

Data Collection Procedure

Prior to data collection, the researchers formally secured permission to conduct the study through a letter addressed to the Dean of the Law School and a separate letter to the IPMR of the LGU of Lakewood, ZDS. Coordination with tribal leaders and the head of the community is likewise undertaken to ensure proper community entry and adherence to cultural protocols. Participants are identified

through purposive sampling based on the recommendations of the community head, ensuring that selected individuals possess relevant knowledge and experience regarding legal needs and access to justice. Prior to the conduct of interviews, informed consent is obtained from each participant to ensure that they are fully aware of the purpose of the study and their rights.

The researchers conduct in-depth, semi-structured interviews using an interview guide, allowing participants to freely express their experiences while ensuring that key topics are adequately covered. Interviews are conducted in a language comfortable to the participants and are audio-recorded with their consent. Field notes are also taken to supplement the recorded data. Data collection continues until saturation is achieved, or when no new themes or information emerge from the participants' responses.

Data Analysis

After data collection, the interview recordings are transcribed and systematically analyzed using thematic analysis. The researchers carefully examine the transcripts, generate initial codes, and identify recurring patterns or themes relevant to the research objectives. These themes are then refined, organized, and interpreted to develop a coherent understanding of the participants' experiences.

Thematic analysis is employed to identify and analyze patterns of meaning within the data gathered from in-depth interviews. This method allows the researchers to group similar responses, generate themes, and directly address the research objectives of the study.¹¹¹

¹¹¹ Ahmed, S. K., Mohammed, R. A., Nashwan, A., Ibrahim, R. H., Abdalla, A. Q., Ameen, B. M., & Khedhir, R. M. (2025). Using thematic analysis in qualitative research. *Journal of Medicine, Surgery, and Public Health*, 6(2025), 100198. <https://doi.org/10.1016/j.glmedi.2025.100198>.

Hence, the study follows the six-phase framework of thematic analysis proposed by Braun and Clarke (2006), which includes: (1) familiarization with the data; (2) generation of initial codes; (3) searching for themes; (4) reviewing themes; (5) defining and naming themes; and (6) producing the report. This structured approach ensures that the analysis is systematic, transparent, and grounded in the data.

Rather than merely summarizing the data, thematic analysis enables a deeper understanding of the underlying meanings, patterns, and relationships present in the participants' narratives. This ensures that the findings are well-structured, insightful, and grounded in the actual experiences of the Subanen community.

Ethical Considerations

This study adheres to established ethical standards in conducting research involving human participants, particularly within indigenous communities. Prior to data collection, participants are fully informed about the purpose of the study, the procedures involved, and their rights as participants. Informed consent is obtained to ensure that participation is voluntary, and participants are given the freedom to withdraw from the study at any stage without any penalty. The confidentiality and anonymity of the participants are strictly maintained through the use of pseudonyms or codes, and all personal information is handled with utmost care and used solely for academic purposes.

Furthermore, the researchers observe cultural sensitivity by respecting the customs, traditions, and leadership structures of the Subanen community. Proper coordination and permission are secured from local authorities and community

leaders in Lakewood, ZDS prior to the conduct of the study. The researchers also ensure that no physical, psychological, or social harm is inflicted on the participants throughout the research process, thereby upholding the principle of non-maleficence.

Chapter IV - Presentation, Analysis and Discussion

This chapter presents and analyzes the findings of the study on the legal needs and access to justice of the Subanen community in Lakewood, ZDS. The results are discussed using thematic analysis in relation to the research objectives.

4.0 - Presentation of Findings

The data gathered from the in-depth interviews with 11 participants from the Subanen community in Lakewood, ZDS revealed various perspectives regarding their legal needs and access to justice. The participants shared their experiences, observations, and perceptions on matters relating to cultural rights, civil rights, customary dispute resolution, and access to legal assistance. To provide a clearer picture of the responses gathered, the findings are presented according to the major areas explored during the interviews before they are subjected to thematic analysis.

1. Questions relating to Cultural Rights

Most participants expressed that cultural traditions remain an important aspect of their identity as Subanen. Out of the 11 participants, nine emphasized the importance of preserving customary practices, traditional celebrations, indigenous beliefs, and respect for elders and the Timuay. Participants explained that these traditions continue to guide their way of life and strengthen community unity.

Several participants specifically mentioned the continued observance of traditional gatherings, farming practices inherited from their ancestors, and the use of the Subanen language within their households. Two participants particularly highlighted community celebrations such as Subanen Day and collective thanksgiving activities as important means of preserving their culture.

When asked about the challenges affecting cultural preservation, four participants identified discrimination and prejudice against IPs as continuing concerns. Three participants attributed the gradual decline of some cultural practices to modernization and changing lifestyles among younger generations. Other participants pointed to poverty, migration, and limited awareness of IPs rights as factors that affect cultural preservation.

Most participants also expressed the need for greater support from educational institutions, government agencies, and community leaders in promoting cultural awareness and preserving traditional knowledge.

2. Questions relating to Civil Rights

When asked about issues affecting their civil rights, the participants provided varied responses. Six participants identified land-related concerns as among the most significant issues experienced within the community. These concerns included inheritance disputes, disagreements among family members regarding ownership, and instances where ancestral lands were sold to individuals outside the tribe.

On the other hand, five participants stated that major ancestral domain issues have already been addressed within their locality through the recognition of ancestral lands and interventions from community leaders and government agencies.

Regarding participation in governance, all participants indicated that members of the community are generally consulted on matters affecting the tribe. The participants explained that consultations are commonly facilitated through meetings led by the Timuay, tribal councils, and Indigenous Peoples representatives.

Most participants also reported that they are able to access government services such as healthcare, education, and social welfare programs. However, participants residing in remote areas noted that transportation difficulties and financial constraints sometimes limit their ability to avail themselves of these services.

3. Questions relating to Customary Dispute Resolution

The responses of the participants showed a high degree of consistency regarding customary dispute resolution. All 11 participants identified the Timuay as the primary authority responsible for resolving conflicts within the community.

Participants explained that disputes involving family disagreements, marital issues, neighborhood conflicts, misunderstandings, and land concerns are typically brought before the Timuay and community elders for mediation. According to the participants, customary dispute resolution is preferred because it is accessible, culturally familiar, and focused on restoring harmony among the parties involved.

Most participants expressed confidence in the effectiveness of the customary justice system, emphasizing that community members generally respect the decisions rendered by traditional leaders. However, several participants clarified that serious offenses such as murder, rape, and other grave crimes are referred to formal authorities and the regular courts.

4. Questions relating to Legal Representation and Assistance

Participants reported varying levels of access to legal assistance. Eight participants stated that they would first seek help from the Timuay whenever legal

concerns arise. Several participants also mentioned the NCIP, Barangay officials, and the IPMR as sources of assistance and guidance.

Most participants acknowledged that lawyers are generally not available within the community. They explained that obtaining legal services often requires travelling to Pagadian City or seeking assistance through the NCIP. Consequently, distance, transportation costs, legal expenses, and lack of information emerged as the most common barriers to accessing legal representation.

Several participants also admitted that they were unfamiliar with legal procedures and documentation requirements, making it difficult to pursue legal remedies without assistance from government agencies or community leaders.

From the participants' responses, several recurring experiences, perceptions, and concerns emerged regarding their legal needs and access to justice. These responses reflected the participants' lived realities as members of the Subanen community and provided valuable insights into the challenges they encountered in exercising their rights and seeking legal remedies.

To facilitate a systematic analysis of the data, the responses were subjected to thematic analysis. This process resulted in five major themes that correspond to the objectives of the study and capture the participants' experiences relating to cultural rights, civil rights, customary dispute resolution, legal representation and assistance, and the implications for improving access to justice within the community.

Each theme is discussed in detail in the following section to provide a clearer understanding of how the Subanen experience and navigate issues related to justice and legal needs.

4.1 - Analysis of Discussion

Theme 1: Legal Needs in Terms of Cultural Rights

The Subanen community continues to maintain a strong sense of cultural identity rooted in their traditions, customs, and way of life. Participants described their daily lives as closely tied to farming, communal living, and respect for traditional leadership such as the Timuay. One participant shared that “our life is simple... we strive to preserve our culture through our rituals and farming practices,” highlighting the deep connection between culture and livelihood.

At the center of their cultural system is the Timuay, whose authority is widely respected. As one participant explained, “our customs include following the guidance of the Timuay and elders,” showing how leadership and tradition are intertwined in maintaining order within the community.

However, despite this strong cultural foundation, several participants pointed out challenges in preserving their traditions. Discrimination remains one of the most recurring issues. Some shared experiences of being labeled negatively or looked down upon, such as being called “suban-on” in a degrading way or being associated with harmful stereotypes. One participant expressed that “people think bad of us like being mangkukulam,” which reflects how prejudice still affects their community.

Modernization also plays a role in the gradual decline of certain traditions. Participants noted that younger generations are becoming less engaged in cultural practices, and rituals like the “Buklog” are no longer as widely observed. Language use is also changing, with some Subanen now preferring to speak Bisaya instead of their native tongue.

Although many participants are aware of the IPRA of 1997, the depth of understanding varies. Some admitted that while they have heard of the law, they

are not fully aware of how it protects their rights. This suggests that awareness does not always translate into actual empowerment.

Overall, the findings suggest that cultural rights are not only about recognition but also about active preservation, education, and institutional support. Without sustained efforts to strengthen cultural awareness and legal understanding, there is a risk that essential aspects of Subanen identity may gradually erode.

Theme 2: Legal Needs in Terms of Civil Rights

Civil rights concerns within the Subanen community are closely linked to land ownership, access to services, and legal documentation. Participants frequently mentioned land issues as one of their primary concerns. Disputes often arise due to informal practices in land inheritance, where ownership is passed down verbally rather than through written documentation.

As participants explained, land is sometimes transferred through simple pointing or verbal agreement, which later leads to conflict among family members. This lack of formal documentation weakens claims to ownership and makes it difficult to resolve disputes legally.

Another concern raised was the sale of ancestral land to individuals outside the community. Some participants shared that Subanen members were previously influenced to sell their land at low prices, only to realize later that they could no longer reclaim it. This reflects a vulnerability that stems from limited legal knowledge and lack of protection mechanisms.

Access to government services also varies depending on location. Participants noted that those living near the town center generally find it easier to access services, while those in remote areas face difficulties due to transportation

costs and distance. One participant noted that *“for those living in far-flung barangays, they could hardly afford the fare,”* pointing to the financial burden of accessing basic services.

Interestingly, some participants expressed hesitation in dealing with government offices, indicating that barriers are not only physical but also psychological.

Taken together, these findings show that civil rights issues in the Subanen community are influenced by a combination of legal, economic, and social factors, all of which affect their ability to fully exercise their rights.

Theme 3: Access to Justice through Customary Dispute Resolution

The Subanen community relies heavily on customary dispute resolution mechanisms, with the Timuay serving as the primary authority in handling conflicts. Almost all participants consistently pointed out that disputes are first brought to the Timuay before being elevated to formal institutions.

As one participant stated, *“first, the conflict shall be brought before the Timuay,”* while another expressed that the Timuay *“helps resolve conflicts in the community.”* These responses highlight the central role of traditional leadership in maintaining order.

Participants described this system as effective, emphasizing that decisions made by the Timuay are respected and followed by community members. In many cases, disputes are resolved through dialogue and mediation, allowing parties to reach agreements without escalating conflicts.

The types of cases commonly handled include family disagreements, marital conflicts, land disputes, and misunderstandings between neighbors. The process is generally seen as fair, accessible, and aligned with their cultural values.

However, participants also acknowledged that customary practices have limitations. Serious cases, particularly those involving criminal offenses such as violence or theft, are referred to formal institutions like the barangay, police, or courts. One participant explained that *“if the Timuay cannot settle the issue, it is elevated to the barangay or police.”*

This shows that while customary justice is effective for resolving minor disputes, it cannot fully replace the formal legal system. Instead, both systems coexist, with each playing a distinct role.

Theme 4: Access to Justice through Legal Representation and Assistance

Access to formal legal services remains one of the most significant challenges faced by the Subanen community. Participants reported that there are no readily available lawyers or legal services within their municipality, forcing them to travel to cities such as Pagadian.

As one participant shared, *“we have no direct access to lawyers... we need to go to Pagadian City,”* while another expressed that *“we cannot afford private lawyers.”* These statements clearly illustrate the financial and geographic barriers that limit access to legal assistance.

Distance and cost were consistently identified as major challenges. Participants mentioned transportation expenses, legal fees, and the time required to travel as factors that discourage them from seeking formal legal help. One

participant simply stated, *“the distance and the cost,”* summarizing the primary obstacles they face.

In addition to these barriers, participants also expressed uncertainty about where to seek help when legal problems arise. While some mentioned institutions such as the NCIP, barangay, or local government, there is no clear or consistent pathway for accessing legal assistance.

Language barriers and limited legal knowledge further complicate the situation. Even when services are available, understanding legal processes can be difficult for community members, especially those who are not formally educated.

As a result, many Subanen rely on the Timuay or local leaders for guidance, even in cases that require formal legal intervention. While this provides some level of support, it is not always sufficient for addressing more complex legal issues. These findings highlight that access to justice is not only about the presence of legal services but also about their accessibility, affordability, and usability for the community.

Theme 5: Implications of the Findings

The findings of the study show that while the Subanen community in Lakewood, ZDS continues to uphold strong cultural traditions and an effective customary justice system, there are still important gaps in legal awareness, access to formal legal services, and institutional support.

One of the most evident concerns across the responses is the need to strengthen legal literacy within the community. Participants expressed that they are aware of laws such as the IPRA of 1997, others admitted that they do not fully understand how these laws work or how they can be applied in actual situations.

Some shared that knowledge of IPRA is often limited to leaders, while ordinary members remain uncertain about how it protects them.

Another key implication is the importance of understanding and documenting recurring legal issues within the community. Participants repeatedly highlighted concerns such as land disputes, informal inheritance practices, and the sale of ancestral lands. These issues were not described as isolated incidents but as recurring experiences affecting multiple members of the community, suggesting the need for more systematic monitoring and documentation.

Furthermore, financial constraints also emerged as a consistent barrier across multiple responses. Many participants emphasized that seeking legal help requires money for transportation, documents, and other expenses. As repeatedly mentioned, the need to travel to cities like Pagadian makes access to justice difficult for many Subanen families. This highlights the need to strengthen financial awareness and resource management, as well as to reduce the cost burden of accessing legal services.

The findings also suggest the need to further empower community leaders, particularly the Timuay and other representatives. Participants acknowledged the important role these leaders play in resolving disputes and guiding the community. At the same time, their responses indicate that there is an opportunity to strengthen their capacity to engage with formal legal institutions, especially when dealing with more complex cases.

Finally, the study underscores the urgent need to improve access to legal assistance and representation. The absence of accessible legal services within the municipality, coupled with financial and geographic barriers, limits the ability of community members to seek formal justice. Providing accessible legal support

mechanisms, such as legal aid services and notarial assistance, would significantly improve the community's ability to assert and protect their rights.

Overall, the findings highlight the importance of a comprehensive and culturally responsive approach that integrates legal education, institutional support, economic empowerment, and accessible legal services. Addressing these areas will help ensure that the rights of the Subanen are not only recognized but also meaningfully exercised.

4.2 - Summary

This chapter presented the findings of the study based on the analysis of interview responses from the Subanen community in Lakewood, ZDS. Through thematic analysis, the study was able to identify key areas that reflect the community's experiences, challenges, and perspectives regarding their legal needs and access to justice.

The findings show that the Subanen community continues to maintain a strong cultural identity, with traditions, customary laws, and leadership systems still playing a central role in their daily lives. However, this cultural strength is increasingly challenged by external influences such as discrimination, modernization, and the declining participation of younger generations. While awareness of laws like the IPRA of 1997 exists, the ability to fully understand and exercise these rights remains limited among many community members.

In terms of civil rights, the study found that land-related issues, lack of formal documentation, and uneven access to government services continue to affect the community. These challenges are further intensified by geographic distance,

financial limitations, and limited familiarity with formal systems, which hinder the effective exercise of rights.

The findings also highlight the strength of the Subanen's customary justice system, particularly the role of the Timuay in resolving disputes. This system is widely trusted and effective for handling minor conflicts, emphasizing harmony and community cohesion. However, it has limitations when dealing with more serious legal issues, which require intervention from formal institutions.

At the same time, access to formal legal services remains a major concern. The absence of local legal assistance, combined with the cost and distance of accessing services in urban centers, makes it difficult for many Subanen to seek legal support. As a result, the community often relies on traditional leaders or informal channels, even in situations that require formal legal action.

Taken together, the findings suggest that while the Subanen community has strong internal systems and cultural resilience, there are clear gaps in legal awareness, accessibility of services, and institutional support. These gaps highlight the need for more inclusive and accessible approaches to justice that recognize both customary practices and formal legal systems.

Chapter V - Findings, Conclusions, and Recommendations

This chapter presents the conclusions drawn from the findings of the study on the legal needs and access to justice of the Subanen community in Lakewood, Zamboanga del Sur. It also provides recommendations based on the insights gathered from the participants to help improve legal awareness, access to justice, and the protection of indigenous rights within the community.

5.0 Conclusion

This study assessed the legal needs and access to justice of the Subanen community of Lakewood, ZDS. Through a qualitative phenomenological approach, the study explored the lived experiences, perceptions, and realities of the Subanen people in relation to cultural rights, civil rights, customary dispute resolution, and legal representation or assistance.

The study's findings show the Subanen community's enduring resilience in preserving its cultural heritage through traditional leadership, communal living, and customary law. Despite their strong commitment to maintaining identity and tradition, the Subanen people continue to face significant challenges stemming from discrimination, limited legal awareness, and restricted access to government services. The Subanen people face significant difficulties with regards to land ownership, documentation, and geographic isolation which undermine their ability to fully exercise their rights and participate equitably in broader social and legal systems.

Across the interview with the Subanen people, it was found that to ensure meaningful access to justice and cultural preservation, it is essential to strengthen legal literacy, improve institutional accessibility, and promote collaboration between

traditional and formal legal frameworks. Empowering community leaders and engaging both elders and youth in these efforts will help bridge cultural and structural gaps. With all things considered, genuine justice and empowerment for the Subanen community can only be achieved through a holistic approach that respects their traditions while ensuring that legal rights and protections are tangible, inclusive, and sustainable.

The implications of this research are significant because they reveal legal needs and access to justice is not only a legal issue but also a social one, interconnected with education, income, and public infrastructure. It entails the significant roles of the government to counter these social issues. This study also adds to the existing body of knowledge by emphasizing the importance of cross-sector collaboration between legal institutions, social services, and government agencies for a meaningful way to exercise the legal rights of these Subanen people.

However, it is important to note that the study's scope was limited to a specific IP group, the Subanen people residing at Lakewood, ZDS, which may not fully represent all the challenges faced by the Subanen community all around ZDS and even in Mindanao. Additionally, time constraints restricted the range of participants interviewed, potentially narrowing some perspectives. But the results remain robust because the questionnaire highly yielded the legal problems faced by the Subanen people.

Overall, this research underscores that in order to cater the legal needs and access to justice of the Subanen people, it properly requires more than the existence of legal rights—it demands that those rights be practical, affordable, and understandable for all members of society.

5.1 Recommendations and Suggestions Appendices

Based on the findings and the conclusion formulated from the interview of the participants during the conduct of the research, the following are recommended and suggested actions:

1. The NCIP, in coordination with the LGU of Lakewood, the Public Attorney's Office (PAO), and educational institutions, may conduct regular and culturally sensitive legal literacy programs for the Subanen community. These programs may focus on IPs' rights, ancestral domains, civil rights, available legal remedies, and the functions of government agencies and institutions that provide legal assistance. Considering the varying levels of legal awareness among the participants, such programs may help community members better understand their rights, the remedies available to them, and the appropriate offices or institutions from which they may seek assistance;
2. The PAO, in coordination with the NCIP, the LGU of Lakewood, the Integrated Bar of the Philippines (IBP) Zamboanga del Sur Chapter, and law schools or legal aid clinics, may establish or strengthen accessible and community-based legal assistance programs for the Subanen community. Such programs may include legal aid clinics, paralegal training, regular legal consultations, and mobile legal services to address the geographic and financial barriers experienced by community members in accessing legal support;

3. The JHCSC, particularly through its School of Law and other relevant academic and extension units, in coordination with the NCIP and the LGU of Lakewood, may assist in documenting and mapping the legal issues commonly encountered by the Subanen community. The information gathered may serve as a basis for future advocacy initiatives, policy development, legal assistance programs, and community extension activities responsive to the actual legal needs of the community;
4. The LGU of Lakewood, through its Municipal Social Welfare and Development Office (MSWDO) and Public Employment Service Office (PESO), in coordination with the Technical Education and Skills Development Authority (TESDA), the Department of Trade and Industry (DTI), and the NCIP, may implement or strengthen financial literacy, skills development, and livelihood programs for the Subanen community. These initiatives may help address the economic barriers that affect community members' ability to access government services, legal assistance, and available legal remedies;
5. Future researchers and academic institutions may broaden the geographical scope of similar studies by including Subanen communities in other municipalities of Zamboanga del Sur or in other provinces. Such studies may provide a wider and more comparative understanding of the legal needs and access to justice concerns of IPs and determine whether the experiences identified in the present study are also encountered by Subanen communities in other areas; and

6. Future researchers and academic institutions may further address the research gap identified in this study by examining other factors that may affect IPs' access to justice, including gender perspectives, economic conditions, educational attainment, political participation, and the accessibility and effectiveness of government programs intended for Indigenous Peoples.

The foregoing recommendations are intended to address the identified legal needs and access to justice concerns of the Subanen community. Their successful implementation will require the collective efforts of educational institutions, government agencies, legal practitioners, non-governmental organizations, and community leaders. Through sustained collaboration and culturally responsive interventions, these initiatives may contribute to enhancing legal awareness, strengthening access to legal services, and promoting the protection and empowerment of the Subanen people while preserving their cultural identity and traditions.

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Appendices

Pertinent Laws, Jurisprudence, Ruling, etc.

a. Republic Act No. 8371 – The Indigenous Peoples’ Rights Act of 1997

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Republic Act No. 8371

October 29, 1997

REPUBLIC OF THE PHILIPPINES
CONGRESS OF THE PHILIPPINES
METRO MANILA
REPUBLIC ACT NO. 8371

AN ACT TO RECOGNIZE, PROTECT AND PROMOTE THE RIGHTS OF INDIGENOUS CULTURAL COMMUNITIES/INDIGENOUS PEOPLES, CREATING A NATIONAL COMMISSION ON INDIGENOUS PEOPLES, ESTABLISHING IMPLEMENTING MECHANISMS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

CHAPTER I

General Provisions

SECTION 1. Short Title. — This Act shall be known as “The Indigenous Peoples’ Rights Act of 1997”.

SECTION 2. Declaration of State Policies. — The State shall recognize and promote all the rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) hereunder enumerated within the framework of the Constitution:

a) The State shall recognize and promote the rights of ICCs/IPs within the framework of national unity and development;

b) The State shall protect the rights of ICCs/IPs to their ancestral domains to ensure their economic, social and cultural well being and shall recognize the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain;

c) The State shall recognize, respect and protect the rights of ICCs/IPs to preserve and develop their cultures, traditions and institutions. It shall consider these rights in the formulation of national laws and policies;

d) The State shall guarantee that members of the ICCs/IPs regardless of sex, shall equally enjoy the full measure of human rights and freedoms without distinction or discrimination;

e) The State shall take measures, with the participation of the ICCs/IPs concerned, to protect their rights and guarantee respect for their cultural integrity, and to ensure that members of the ICCs/IPs benefit on an equal footing from the rights and opportunities which national laws and regulations grant to other members of the population; and

f) The State recognizes its obligations to respond to the strong expression of the ICCs/IPs for cultural integrity by assuring maximum ICC/IP participation in the direction of education, health, as well as other services of ICCs/IPs, in order to render such services more responsive to the needs and desires of these communities.

Towards these ends, the State shall institute and establish the necessary mechanisms to enforce and guarantee the realization of these rights, taking into consideration their customs, traditions, values, beliefs, interests and institutions, and to adopt and implement measures to protect their rights to their ancestral domains.

b. La Bugal-B'laan Tribal Association, Inc. vs. Ramos, G.R. 127882



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[G.R. No. 127882, December 01, 2004]

LA BUGAL-B'LAAN TRIBAL ASSOCIATION, INC., REPRESENTED BY ITS CHAIRMAN FLONG MIGUEL M. LUMAYONG; WIGBERTO E. TANADA; PONCIANO BENNAGEN; JAIME TADEO; RENATO R. CONSTANTINO JR.; FLONG AGUSTIN M. DABIE; ROBERTO P. AMLOY; RAQIM L. DABIE; SIMEON H. DOLOJO; IMELDA M. GANDON; LENY B. GUSANAN; MARCELO L. GUSANAN; QUINTOL A. LABUATAN; LOMINGGES D. LAWAY; BENITA P. TACUAYAN; MINORS JOLY L. BUGOY, REPRESENTED BY HIS FATHER UNDERO D. BUGOY AND ROGER M. DADING; REPRESENTED BY HIS FATHER ANTONIO L. DADING; ROMY M. LAGARO, REPRESENTED BY HIS FATHER TOTING A. LAGARO; MIKENY JONG B. LUMAYONG, REPRESENTED BY HIS FATHER MIGUEL M. LUMAYONG; RENE T. MIGUEL, REPRESENTED BY HIS MOTHER EDITHA T. MIGUEL; ALDEMAR L. SAL, REPRESENTED BY HIS FATHER DANNY M. SAL; DAISY RECARSE, REPRESENTED BY HER MOTHER LYDIA S. SANTOS; EDWARD M. EMUY; ALAN P. MAMPARAIR; MARIO L. MANGCAL; ALDEN S. TUSAN; AMPARO S. YAP; VIRGILIO CULAR; MARVIC M.V.P. LEONEN; JULIA REGINA CULAR; GIAN CARLO CULAR; VIRGILIO CULAR JR., REPRESENTED BY THEIR FATHER VIRGILIO CULAR; PAUL ANTONIO P. VILLAMOR, REPRESENTED BY HIS PARENTS JOSE VILLAMOR AND ELIZABETH PUA-VILLAMOR; ANA GININA R. TALJA, REPRESENTED BY HER FATHER MARIO JOSE B. TALJA; SHARMAINE R. CUNANAN, REPRESENTED BY HER FATHER ALFREDO M. CUNANAN; ANTONIO JOSE A. VITUG III, REPRESENTED BY HIS MOTHER ANNALIZA A. VITUG; LEAN D. NARVADEZ, REPRESENTED BY HIS FATHER MANUEL E. NARVADEZ JR.; ROSERIO MARALAG LINGATING, REPRESENTED BY HER FATHER RIO OLIMPIO A. LINGATING; MARIO JOSE B. TALJA; DAVID E. DE VERA; MARIA MILAGROS L. SAN JOSE; SR. SUSAN O. BOLANJO, OND; LOLITA G. DEMONTEVERDE; BENJIE L. NEQUINTO;^[1] ROSE LILIA S. ROMANO; ROBERTO S. VERZOLA; EDUARDO AURELIO C. REYES; LEAN LOUEL A. PERLA, REPRESENTED BY HIS FATHER ELPIDIO V. PERLA;^[2] GREEN FORUM PHILIPPINES; GREEN FORUM WESTERN VISAYAS (GF-WV); ENVIRONMENTAL LEGAL ASSISTANCE CENTER (ELAC); KAISAHAN TUNGO SA KANUNLARAN NG KANAYUNAN AT REPORMANG PANSAKAHAN (KAISAHAN);^[3] PARTNERSHIP FOR AGRARIAN REFORM AND RURAL DEVELOPMENT SERVICES, INC. (PARRDS); PHILIPPINE PARTNERSHIP FOR THE DEVELOPMENT OF HUMAN RESOURCES IN THE RURAL AREAS, INC. (PHILDHRA); WOMEN'S LEGAL BUREAU (WLB); CENTER FOR ALTERNATIVE DEVELOPMENT INITIATIVES, INC. (CADI); UPLAND DEVELOPMENT INSTITUTE (UDI); KINAIYAHAN FOUNDATION, INC.; SENTRO NG ALTERNATIBONG LINGAP PANLIGAL (SALIGAN); AND LEGAL RIGHTS AND NATURAL RESOURCES CENTER, INC. (LRC), PETITIONERS, VS. VICTOR O. RAMOS, SECRETARY, DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR); HORACIO RAMOS, DIRECTOR, MINES AND GEOSCIENCES BUREAU (MGB-DENR); RUBEN TORRES, EXECUTIVE SECRETARY; AND WMC (PHILIPPINES), INC.,^[4] RESPONDENTS.

RESOLUTION

PANGANIBAN, J.:

All mineral resources are owned by the State. Their exploration, development and utilization (EDU) must always be subject to the full control and supervision of the State. More specifically, given the inadequacy of Filipino capital and technology in large-scale EDU activities, the State may secure the help of foreign companies in all relevant matters - especially financial and technical assistance - provided that, at all times, the State maintains its right of full control. The foreign assistor or contractor assumes all financial, technical and entrepreneurial risks in the EDU activities; hence, it may be given reasonable management, operational, marketing, audit and other prerogatives to protect its investments and to enable the business to succeed.

Full control is not anathematic to day-to-day management by the contractor, provided that the State retains the power to direct overall strategy; and to set aside, reverse or modify plans and actions of the contractor. The idea of full control is similar to that which is exercised by the board of directors of a private corporation: the performance of managerial, operational, financial, marketing and other functions may be delegated to subordinate officers or given to contractual entities, but the board retains full residual control of the business.

What extent does the government actually exercise this power of control on behalf of the State? This question is

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c. *Daco vs. Cabajar*, G.R. No. 222611

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THIRD DIVISION

[G.R. No. 222611, November 15, 2021]

ARNOLFO A. DACO, PETITIONER, VS. RUBEN E. CABAJAR, RESPONDENT.

DECISION

LEONEN, J.:

While ordinary courts have concurrent jurisdiction with the National Commission on Indigenous Peoples in some matters in the Indigenous Peoples' Rights Act, the Commission is in the best position to decide disputes on ancestral domain between members of the same indigenous cultural community, being the "primary government agency responsible ... to promote and protect the rights and well-being of the [indigenous cultural communities or indigenous peoples] and the recognition of their ancestral domains as well as their rights thereto."¹¹

This Court resolves the Petition for Review on Certiorari¹² under Rule 45 of the 1997 Rules of Civil Procedure filed by Arnolfo A. Daco (Daco), a Tagbanua and a native of Busuanga, Palawan,¹³ praying that the Court of Appeals' March 6, 2016¹⁴ and December 14, 2016¹⁵ Resolutions be reversed and set aside. The assailed Resolutions dismissed Daco's appeal from the Decision¹⁶ of the National Commission on Indigenous Peoples Regional Hearing Office.

Ruben E. Cabajar (Cabajar) is a member of the Tagbanua indigenous cultural community of Barangay Panlitan, Busuanga, Palawan.¹⁷ He is also the president of the Panlitan San Isidro Cultural Minorities Development Association (PASICMIDA), a local organization of indigenous peoples in Busuanga, Palawan.¹⁸

Cabajar was authorized by the Council of Elders of the Tagbanua indigenous cultural community¹⁹ of Barangay Panlitan and San Isidro to file a complaint before the National Commission on Indigenous Peoples for violation of Section 10 of Republic Act No. 8371 or the Indigenous Peoples' Rights Act of 1997 against Daco, specifically for unauthorized and unlawful intrusion "with prayer for [Temporary Restraining Order] and Permanent Injunction with Damages."²⁰

Cabajar alleged that the Tagbanuas he represents applied for a Certificate of Ancestral Domain under Section 11 of the Indigenous Peoples' Rights Act. The application covers areas in Barangay Panlitan and San Isidro,²¹ which includes Black Island or Isla Malajem.²²

During the pendency of their application, Former National Commission on Indigenous Peoples Chairperson Eugenio Insigne issued an "Assumption Over Ancestral Domain" in favor of the Tagbanuas represented by Cabajar.²³

Cabajar also cited Municipal Resolution No. 39, series of 1996, which allegedly recognizes that his fellow Tagbanuas occupy and own Isla Malajem.²⁴

On October 12, 2012, Cabajar alleged that Daco, accompanied by several barangay tanods of Barangay Panlitan, forcibly took over Isla Malajem.²⁵ Two members of the Council of Elders who were guarding Isla Malajem on that day claimed that they saw Daco and the barangay tanods bring construction materials to the area.²⁶

One of the tanods approached Cabajar and informed him that Punong Barangay Jerry Del Valle told them to escort Daco.²⁷ Daco then proceeded to construct a nipa hut despite the elders' protest. Daco argued that he paid the

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d. Lepanto Consolidated Mining Company v. Ambanloc, G.R. No. 180639

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SECOND DIVISION

[G.R. No. 180639, June 29, 2010]

LEPANTO CONSOLIDATED MINING COMPANY, PETITIONER, VS. HON. MAURICIO B. AMBANLOC, IN HIS CAPACITY AS THE PROVINCIAL TREASURER OF BENGUET, RESPONDENT.

DECISION

ABAD, J.:

This case is about the liability of a mining corporation for taxes imposed by a province for the extraction of sand and gravel from areas covered by its mining lease with the national government and used exclusively in its mining operations.

The Facts and the Case

The national government issued to petitioner Lepanto Consolidated Mining Company (Lepanto) a mining lease contract covering, among others, its "TIKEM" leased mining claim at Sitio Nayak, Barrio Palasan (Suyoc), Municipality of Mankayan, Benguet. The contract granted Lepanto the right to extract and use for its purposes all mineral deposits within the boundary lines of its mining claim. Upon inquiry, the Mines and Geo-sciences Bureau of the Department of Environment and Natural Resources (DENR) advised Lepanto that, under its contract, it did not have to get a permit to extract and use sand and gravel from within the mining claim for its operational and infrastructure needs. Based on this advice, Lepanto proceeded to extract and remove sand, gravel, and other earth materials from the mining site.

Lepanto used the quarried materials to back-fill slopes- portions of the earth excavated as a result of mining- replacing what had been mined to maintain the integrity of the ground. It also used sand and gravel to construct and maintain concrete structures needed in its mining operation, such as a tailings dam, access roads, and offices. Its use of quarry resources, readily available within its mining claim, was more practical and cheaper than having to outsource them.

Respondent Mauricio Ambanloc, the provincial treasurer of Benguet, sent a demand letter to Lepanto, asking it to pay the province P1,901,893.22 as sand and gravel tax, for the quarry materials that it extracted from its mining site from 1997 to 2000. Lepanto sent a letter-protest to the provincial treasurer, but the latter denied the same, insisting on payment.

Lepanto filed a petition with the Regional Trial Court (RTC) of Benguet to question the assessment.^[1] The RTC ruled that Lepanto was liable for the amount assessed, with interest at the rate of 2 percent per month from the time the tax should have been paid. Lepanto appealed the RTC decision to the Court of Tax Appeals (CTA) where it was raffled to its Second Division.^[2] The Second Division affirmed the ruling of the RTC with the modification that the interest of 2 percent per month shall not exceed 36 months.^[3]

Lepanto appealed the decision of the Second Division to the CTA *En Banc*.^[4] Three justices of the CTA voted to affirm the decision but three justices dissented. Because the needed vote of four members could not be obtained, the *En Banc* dismissed the appeal, resulting in the affirmance of the decision of the Second Division. Lepanto's motion for reconsideration met the same fate, hence, this appeal.

The Issue Presented

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d. Spouses Robles and Maliones v. Timario, Jr., G.R. No. 252834



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SECOND DIVISION

[G.R. No. 252834, February 06, 2023]

SPOUSES ROBLES AND ROSE MALIONES A.K.A. ROSA MALIONES, SPOUSES EDUARDO AND ROSITA QUIÑO, MR. EUGENIO SAWATE, THE LATE GEORGE BATTI-EL REPRESENTED BY HIS WIFE LILIA BATTI-EL, PETITIONERS, VS. MARIO S. TIMARIO, JR., GABRIEL B. LANTEC, JANICE A. BIAG, FELICIANA C. LAUS, OPLEN SAGA-OC, NARCISA VICENTE, GLORIA G. POLON, LUNESA V. TANY, EVELIO ANDY S. TIMARIO, OCTAVIO A. LESKING, ROEL G. NGOLOBAN, NESTOR BUTENG, CYNTHIA G. POLON, WILLIAM SAD-ANG, CERILO BAODIANG, JR., ADAM SIMULTOG, ELENA ATOLBA, DUX ALLEN P. ANNAGUEY, RYDEL LANTEC, MARIO PAGTAN, SUANI M. COPICOP, CAMILLE CAYABAS, JUN M. WITAWIT, GEORGE DADAY, JOHN IT-ITAN, TOMAS O. BANGSOY, CRISPIN B. MANGANGAY, THELMA L. LACYOD, EVA TONGTONGDAN, MATHEW W. KIYAWAN, MIRANDA L. BINGCOLA, FERDINAND SUDICALAN, IAN C. DAMEG, DOMINGO MONTES, BENJAMIN MALONA, DAVYNE ART KIDIT, JESSAMINE TIMARIO, HELEN T. NGITEYEE, LAURENCE M. VIERNES AND CAESAR LAPICTO BALACWID, RESPONDENTS.

G.R. No. 258836 [FORMERLY UDK-16868]

SPOUSES ROBLES AND ROSE MALIONES A.K.A. ROSA MALIONES, SPS. EDUARDO AND ROSITA QUIÑO, MR. EUGENIO SAWATE, THE LATE GEORGE BATTI-EL, DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES REPRESENTED BY THE OFFICE OF THE REGIONAL DIRECTOR CAR ENGR. RALPH C. PABLO; DPA, EN. P.; PROVINCIAL ASSESSOR OF MOUNTAIN PROVINCE, REPRESENTED BY THE ASSISTANT PROVINCIAL ASSESSOR ENGR. RANDY B. TICCHAP; MUNICIPAL ASSESSOR OF THE MUNICIPALITY OF SABANGAN, MOUNTAIN PROVINCE, REPRESENTED BY ENGR. GABRIEL M. SAWATE; AND THE PUNONG BARANGAY OF DATA, SABANGAN, MOUNTAIN PROVINCE HON. MARIANTO A. CABAN-OS, PETITIONERS, VS. MARIO SOMBANG TIMARIO, JR., GABRIEL B. LANTEC, JANICE A. BIAG, FELICIANA C. LAUS, OPLEN SAGA-OC, NARCISA VICENTE, GLORIA G. POLON, LUNESA V. TANY, EVELIO ANDY S. TIMARIO, OCTAVIO A. LESKING, ROEL G. NGOLOBAN, NESTOR BUTENG, CYNTHIA G. POLON, WILLIAM SAD-ANG, CERILO BAODIANG, JR., ADAM SIMULTOG, ELENA ATOLBA, DUX ALLEN P. ANNAGUEY, RYDEL LANTEC, MARIO PAGTAN, SUANI M. COPICOP, CAMILLA CAYABAS, JUN M. WITAWIT, GEORGE DADAY, CRISelda BIMYOAG, JOHN ITITAN, TOMAS O. BANGSOY, CRISPIN B. MANGANGAY, THELMA L. LACYOD, EVA TONGTONGDAN, MATTHEW W. KIYAWAN, MIRANDA L. BINGCOLA, FERDINAND SUDICALAN, IAN C. DAMEG, DOMINGO G. MONTES, BENJAMIN MALONA, DAVYNE ART KIDIT, JESSAMINE P. TIMARIO, HELEN TOGPA-AN NGITEYEE, LAURENCE MOYAEN VIERNES AND CAESAR LAPICTO BALACWID, RESPONDENTS.

DECISION

LOPEZ, J., J.:

This Court resolves two consolidated Petitions for Review on Certiorari^[1] filed under Rule 45 of the Rules of Court assailing the Decision^[2] and the Resolution^[3] of the Court of Appeals (CA), which denied the appeal of Spouses Robles and Rose Maliones (Spouses Maliones), Spouses Eduardo and Rosita Quiño (Spouses Quiño), George Batti-el (Batti-el), and Eugenio Sawate (Sawate) (collectively referred to as Spouses Maliones et al.).

The Antecedents

The case involved a parcel of land situated in Am-amoling, Batacang/Ambango in Brgy. Data, Sabangan, Mountain Province classified as "outside the Alienable and Disposable Zone" under Land Classification Map No. 2017, certified on July 30, 1956, by the Director of Forestry. Tax declarations for portions of the subject land have been allegedly issued in the names of Spouses Maliones et al.^[4]

On October 30, 2015, Mario Sombang Timario, Jr., Gabriel B. Lantec, Janice A. Biag, Feliciano C. Laus, Oplen Saga-oc, Narcisa Vicente, Gloria G. Polon, Lunesa V. Tany, Evelio Andy S. Timario, Octavio A. Lesking, Roel G. Ngoloban, Nestor Buteng, Cynthia G. Polon, William Sad-ang, Cerilo Baodiang, Jr., Adam Simultog, Elena Atolba,

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Questionnaire, Consent Form, and Request Letters

a. Interview Questionnaire



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Interview Questionnaire (Mga Pangutana sa Interbyu)

We are students/researchers from the School of Law of J.H. Cerilles State College, conducting research entitled: *A Qualitative Study: Assessing the Legal Needs and Access to Justice of the Indigenous People in Zamboanga del Sur focusing the Subanen Community*

(Kami mga estudyante ug mananaliksik gikan sa School of Law sa J.H. Cerilles State College nga nagahimo og panuhid nga adunay titulo nga: "Usa ka Kwalitatibong Pagtuon: Pagsusi sa Legal nga mga Panginahanglan ug Access sa Hustiya sa mga Indigenous People sa Zamboanga del Sur nga nagatutok sa Subanen Komunidad.")

The purpose of this research is to assess the legal needs in terms of the cultural and civil rights and to assess the access to justice in terms of customary dispute resolution and legal representation or assistance of the Subanen community. After which, to provide implications based on the findings.

(Ang katuyoan sa maong pagtuon mao ang pagsusi sa legal nga mga panginahanglan sa Subanen nga komunidad, ilabina sa pagpanalipod sa ilang kultural ug sibil nga mga katungod. Tumong usab niini ang pag-assess sa ilang access sa hustiya, lakip ang paggamit sa tradisyonal nga paagi sa pagsulbad sa panagbangi ug ang kahimtang sa legal nga representasyon o tabang. Base sa mga resulta nga makuha, ang pagtuon maghatag og mga angay nga implikasyon ug rekomendasyon.)

Background Questions (Panagila-ila nga Pangutana):

1. Age (Edad): _____
2. Sex (Sekso) _____
3. Indigenous Group / Tribe: (Lumad nga Grupo / Tribo) _____
4. Role in the Community, if any (Papel o Katungdanan sa Komunidad, kung aduna): _____
5. How long have you lived in this community? (Pila na ka tuig ka nagpuyo sa kini nga komunidad?) _____

A. Culture and Traditions (Kultura ug Tradisyon)

1. Can you describe the traditions, customs, and way of life in your community? Mahimo ba nimo ihulagway ang mga tradisyon, kostumbre, ug paagi sa panginabuhi sa inyong komunidad?



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2. What challenges does your community face in preserving your culture and traditions? *Unsa ang mga hagit nga giatubang sa inyong komunidad sa pagpreserbar sa inyong kultura ug tradisyon?*

3. Have there been instances when your culture or traditions were ignored or disrespected? Can you share your experience? *Aduna bay mga higayon nga ang inyong kultura o tradisyon wala gitahad o giila? Mahimo ba nimo iambit ang imong kasinatan?*

4. What kind of support or protection does your community need to preserve your culture? *Unsaang klase nga tabang o proteksyon ang gikinahanglan sa inyong komunidad aron mapreserbar ang inyong kultura?*

5. Are you aware of any laws (e.g., Indigenous Peoples' Rights Act) that protect your culture and rights? *Nakahibalo ba kamo o nakadungog ba kamo og mga balaod (sama sa Indigenous Peoples' Rights Act) nga nanalipod sa inyong kultura ug katungod?*

B. Land, Safety and Governance (Yuta, Kaluwasan, ug Gobyerno)

6. What issues does your community face regarding land or ancestral domain? *Unsa nga mga problema ang giatubang sa inyong komunidad bahin sa yuta o ancestral domain?*

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7. Have there been conflicts over land or natural resources? Please describe.
Aduna bay mga panagbangi bahin sa yuta o natural nga mga kahinguhaan? Palihug ihulagway.
8. Does your community feel safe and secure? Why or why not?
Gibati ba ninyo nga luwas ug sigurado ang inyong komunidad? Ngano o nganong dili?
9. Have there been experiences of threats, violence, or displacement?
Aduna bay mga kasinatian sa hulga, kapintasan, o pagpahawa sa inyong lugar?
10. How does the government respond to these concerns?
Giunsa pagtubag sa gobyerno kining mga problemaha?
11. Are community members able to participate in decision-making or local governance?
Makapartisipar ba ang mga miyembro sa komunidad sa pagdesisyon o sa lokal nga pangagamhanan?
12. What challenges do you encounter in accessing basic government services (e.g., health, education, identification)?
Unsang mga kalisod ang inyong masinati sa pag-access sa mga serbisyo sa gobyerno (sama sa panglawas, edukasyon, o ID)?

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C. Customary Justice System (Tradisyonal nga Hustisya)

13. How are conflicts usually resolved in your community?
Giunsa kasagaran pagsulbad ang mga panagbangi sa inyong komunidad?
14. Who are the leaders or authorities that handle disputes?
Kinsa ang mga lider o awtoridad nga nagdumala sa mga panaglalis?
15. What types of conflicts are typically resolved through customary practices?
Unsang klase nga mga panagbangi ang kasagaran masulbad pinaagi sa tradisyonal nga pamaagi?
16. Do you think your traditional dispute resolution system is effective? Why or why not?
Sa inyong tan-aw, epektibo ba ang inyong tradisyonal nga paagi sa pagsulbad sa panagbangi? Ngano o nganong dili?
17. Are there situations where customary practices are not enough to resolve conflicts? Please explain.
Aduna bay mga sitwasyon nga dili na igo ang tradisyonal nga pamaagi sa pagsulbad sa problema? Palihug ipasabot.



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18. How are decisions enforced within the community?

Giunsa pagpatuman ang mga desisyon sulod sa komunidad?

D. Access to Justice and Legal Assistance (Access sa Hustisiya ug Legal nga Tabang)

19. When legal problems arise, where does your community usually seek help?

Kung adunay legal nga problema, asa kasagaran mangayo og tabang ang inyong komunidad?

20. Do you have access to lawyers, legal aid, or government legal services?

Aduna ba moy access sa abogado, legal aid, o serbisyo legal sa gobyerno?

21. What challenges do you face in accessing legal help (e.g., cost, distance, language)?

Unsa ang mga kalisdang ang inyong masinati sa pagpangayo og legal nga tabang (sama sa gasto, kalayo, o pinulongan)?

22. Have you or anyone in your community experienced going to court? What was it like?

Aduna ba sa inyong komunidad nga nakaagi na og kaso sa korte? Unsa ang ilang kasinatian?

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E. Needs, Recommendations, and Insights (Panginahanglan ug mga Rekomendasyon)

23. What kind of legal support or assistance is most needed in your community?
Unsang klase nga legal nga tabang ang pinakakinahanglan sa inyong komunidad?
24. What changes would help improve access to justice for your community?
Unsang mga kausaban ang makatabang aron mas mapalambo ang access sa hustisya sa inyong komunidad?
25. How can the government better protect your rights and support your community?
Giunsa pa mapalambo sa gobyerno ang pagpanalipod sa inyong mga katungod ug pagsuporta sa inyong komunidad?
26. What suggestions can you give to improve peace, safety, and justice in your community?
Unsang mga sugyot ang inyong mahatag aron mapalambo ang kalinaw, kaluwasan, ug hustisya sa inyong komunidad?

The End (Diri ra kutob).
Thank you very much (Daghang Salamat)!

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b. Consent Form

i. In English



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CONSENT FORM FOR INTERVIEW PARTICIPATION

Title of the Research:

A Qualitative Study: Assessing the Legal Needs and Access to Justice of the Indigenous Peoples in Zamboanga del Sur focusing the Subanen Community

Researchers:

- Campomanes, Leziel B.
- Damada, Karen T.
- Fuertes, G Lady Ann C.
- Vics, Shiela Marie A.
- Victorama, Nenrald B.

We respectfully greet you with honor and gratitude!

We are students/researchers from the School of Law of J.H. Cerilles State College, conducting a study in partial fulfillment of our academic requirement. With utmost respect, we humbly seek your permission to conduct interviews with members of the Subanen community.

The purpose of this research is to assess the legal needs in terms of the cultural and civil rights and to assess the access to justice in terms of customary dispute resolution and legal representation or assistance of the Subanen community. After which to provide implications based on the findings.

Your participation in this interview is entirely voluntary. You may choose not to answer any question or stop the interview at any time without any negative consequences.

All information you share will be treated with respect and confidentiality. Your identity will not be disclosed in the research and the responses shall be recorded in writing only with your consent.

We deeply respect the customs, traditions, and leadership of the Subanen community. We commit to conducting this research in a culturally sensitive and appropriate manner.

The data collected will be used only for academic research purposes and will not be used for commercial or harmful activities. A copy of the research findings may be shared with the community upon request.

Consent Statement:

I have read (or have had explained to me) the information above. I understand the purpose of the study and my rights as a participant. I voluntarily agree to participate in this interview.

Participant's Name: _____

Signature/Thumb Mark: _____

Date: _____

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ii. In Bisaya



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FORMUL NGA PAGTUGOT SA PAG-APIL SA INTERBYU

Titulo sa Panuhid:

Usa ka Kwalitatibong Pagtuon: Pagsusi sa Legal nga mga Panginahanglan ug Access sa Hustisiya sa mga Indigenous Peoples sa Zamboanga del Sur nga nagatutok sa Subanen nga Komunidad

Mga Manaliksik:

- Campomanes, Leziel B.
- Damada, Karen T.
- Fuertes, G Lady Ann C.
- Vics, Shiela Marie A.
- Victorama, Nenrald B.

Mainiton ug mapinangaon nga pangumusta kaninyo uban ang dakong pagtahod ug pagpasalamat!

Kami mga estudyante/mananaliksik gikan sa School of Law sa J.H. Cerilles State College, nga nagahimo og usa ka pagtuon isip kabahin sa among akademikong panginahanglan. Uban sa kinasingkasing nga pagtahod, mapainubsanon kaming nangayo sa inyong pagtugot aron makahimo og interbyu sa mga miyembro sa Subanen nga komunidad.

Ang katuyoan sa maong panuhid mao ang pagsusi sa legal nga mga panginahanglan sa Subanen nga komunidad, ilabina sa ilang kultural ug sibil nga mga katungod. Tumong usab niini ang pag-assess sa ilang akses sa hustisiya, lakip na ang paggamit sa tradisyonal o kostumbre nga paagi sa pagsulbad sa panaglalis ug ang kahimtang sa legal nga representasyon o tabang. Dugang pa, ang pagtuon maghatag og mga implikasyon base sa mga resulta nga makuha.

Ang inyong pag-apil sa maong interbyu hingpit nga boluntaryo. Aduna kamo'y katungod nga dili motubag sa bisan unsang pangutana o mohunong sa interbyu bisan kanus-a nga walay bisan unsang negatibong epekto.

Ang tanang impormasyon nga inyong ipaambit pagatratuhon uban ang dakong pagtahod ug kompidensyalidad. Ang inyong identidad dili ipadayag sa panuhid, ug ang inyong mga tubag isulat lamang kung kamo mutugot.

Ginatahod namo pag-ayo ang mga kostumbre, tradisyon, ug pangulo sa Subanen nga komunidad. Nangako kami nga ipahigayon ang maong panuhid sa paagi nga sensitibo ug angay sa inyong kultura.

Ang mga datos nga makolekta gamiton lamang alang sa akademikong katuyoan ug dili gamiton sa komersyal o makadaot nga mga kalihokan. Ang kopya sa resulta sa panuhid mahimong ihatag sa komunidad kung kini inyong pangayoon.

Pahayag sa Pagtugot:

Ako nakabasa (o napasabotan kanako) ang tanang impormasyon sa ibabaw. Nasabtan nako ang katuyoan sa pagtuon ug ang akong mga katungod isip partisipante. Sa kinabubut-on, miuyon ako sa pag-apil sa maong interbyu.

"Chartering Excellence: Empowering the Next Generation of Legal Professionals through Transformative Education, Sustainable Practices, Community Engagement and Advancing Justice in the Province of Zamboanga del Sur and beyond."

c. Request for Approval of Interview Guide / Questionnaire

i. Letter to the Dean of the School of Law



J.H. CERILLES STATE COLLEGE
F. Consolacion St., Balangasan District, Pagadian City, Zamboanga del Sur
jhoscpg.info@gmail.com Telephone no. (062)945-0727
School of Law – Office of the Dean



VISION

Leading higher education institution serving the ASEAN community with quality, innovative and culture-sensitive programs

MISSION

- Provides need-based tertiary and advance programs in Agriculture, Education and allied fields;
- Undertakes applied research, extension and production services that yield - workable and durable solutions to sector specific challenges, thus improving the socio-economic well-being of identified communities

CORE VALUES

Justice, Peace and Unity
Hope, Honesty and Humility
Credibility and Integrity
Social Responsibility and Interfaith Dialogue
Collaboration and Shared Competence

March 23, 2026

ATTY. ROMYLYN O. REGIDOR, CPA, LL.M.
Dean, School of Law
J.H. Cerilles State College

Subject: Request for Approval of Interview Guide / Questionnaire

Dear **Dean Regidor**:

Greetings of Peace and Solidarity!

We, the researchers of the study entitled "*A Qualitative Study: Assessing the Legal Needs and Access to Justice of the Indigenous Peoples in Zamboanga del Sur, Focusing on the Subanen Community.*" respectfully writing to request approval for the conduct of interview with our research participants, the Subanen Community of the Municipality of Lakewood, Zamboanga del Sur, scheduled on March 28, 2026.

In addition, we would also like to humbly seek for the review and approval of our interview guide/questionnaires to ensure that the research will adhere to proper academic and ethical standards.

Attached to this letter are the interview guide/questionnaire for your review and approval, as well as the letter requesting assistance from Hon. Oliver Tumbao, Indigenous Peoples Mandatory Representative (IPMR) of Lakewood, for the conduct of the research interviews.

We assure you that all information gathered will be used strictly for academic purposes and treated with the highest respect and confidentiality, fully observing the culture, customs, and traditions of the Subanen community.

We believe that this study will provide valuable insights into the legal needs and access to justice of the Subanen community, particularly regarding the protection of their cultural and civil rights, the role of customary dispute resolution, and access to legal representation or assistance. The findings will also serve as a basis for meaningful recommendations that can support and empower the community in safeguarding their rights.

We sincerely hope for your approval and support in this research endeavor. Thank you very much for your kind consideration.

Sincerely,

LEZIEL B. CAMPOMANES

KAREN I. DAMADA

GLADYS L. FUERTES

SHIELA MARIE A. VICS

NENRALD B. VICTORAMA

Researchers

Approved by:

ATTY. ROMYLYN O. REGIDOR, CPA, LL.M.
Dean, School of Law

"Stronger and bolder. JH-CSC for Quality Tertiary Education."

"Chartering Excellence: Empowering the Next Generation of Legal Professionals through Transformative Education, Sustainable Practices, Community Engagement and Advancing Justice in the Province of Zamboanga del Sur and beyond."

ii. Letter to the IPMR of LGU Lakewood



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March 28, 2026

HON. OLIVER TUMBAO

Indigenous Peoples Mandatory Representative (IPMR)
Ancestral Domain Municipal Office (ADMO)
Municipality of Lakewood, Zamboanga del Sur

Subject: Request Assistance for the Conduct of Research Interview

Dear **Hon. Tumbao**:

Greetings of Peace and Solidarity!

We, the students of J.H. Cerilles State College, School of Law, are currently conducting a study entitled "A Qualitative Study: Assessing the Legal Needs and Access to Justice of the Indigenous Peoples in Zamboanga del Sur, Focusing on the Subanen Community."

The purpose of this study is to assess the legal needs of the Subanen community, particularly the protection of their cultural and civil rights, and their access to justice, regarding the customary dispute resolution and availability of legal representation or assistance. Based on the findings, the study will provide relevant implications.

In line with this, we humbly seek your assistance and support in facilitating during the conduct of our interviews with the Subanen community of Lakewood. We assure you that all information gathered will be used strictly for academic purposes and will be treated with the highest respect and confidentiality, fully observing the culture, customs, and traditions of the Subanen community.

We believe that the results of this study will offer valuable insights into the legal needs and access to justice of the Subanen community and may help propose meaningful recommendations to empower the community in safeguarding their rights.

We sincerely hope for your kind support and approval for this research endeavor. Thank you very much for your time and consideration.

Sincerely,

LEZIEL B. CAMPOMANES

KAREN T. DAMADA

G. LADY ANN C. FUERTES

SHIELA MARIE A. VICS

NENRALD B. VICTORAM
Researchers

Noted by:

ATTY. ROMYLYN O. REGIDOR, CPA, LL.M.
Dean, School of Law

Approved by:

HON. OLIVER TUMBAO
IPMR
Municipality of Lakewood, Zamboanga del Sur

"Stranger and Bold: JHSC for Quality Tertiary Education"

"Chartering Excellence: Empowering the Next Generation of Legal Professionals through Transformative Education, Sustainable Practices, Community Engagement and Advancing Justice in the Province of Zamboanga del Sur and beyond."

Timetable for Research

DATE	WEEK	ACTIVITIES
January 26 to February. 1, 2026	Week 1	Reading, discussion, and familiarization with the research topic, reference materials, sources, and related laws, particularly the IPRA.
February 2 to 8, 2026	Week 2	Division and assignment of topics for Chapters 1 and 2.
February 9 to 15, 2026	week 3	Brainstorming on the research title and conducting constructive critiques of the draft Introduction, Historical Background, Statement of the Problem, Rationale of the Study, and Scope and Limitations.
February 16 to 22, 2026	Week 4	Drafting letters addressed to IPMR, requesting assistance in the conduct of research interviews, and to the Regional Director of the National Commission on Indigenous Peoples (NCIP).
February 23 to March 1, 2026	Week 5	Online consultation with Dean Romylyn Regidor regarding the research topic and submission of Chapters 1 and 2 on February 28, 2026, through Google Classroom.
March 2 to 8, 2026	Week 6	Discussion of the submitted chapters and possible questions for the first defense.
March 9 to 15, 2026	Week 7	• Conduct of interviews with personnel from NCIP. • Preparation and discussion of completed chapters and PowerPoint presentation for the research presentation scheduled on March 22, 2026.
March 16 to 22, 2026	Week 8	Oral Presentation/Partial Defense of the Chapters 1 & 2 of the Research Paper
March 23 to 29, 2026	Week 9	• Preparation of the tokens for the respondents • Securing approval from Dean Regidor for the following form: 1. Consent Form 2. Interview Questionnaires
March 30 to April 5, 2026	Week 10	Preparation of the initial Chapter 3 Conducted interview with the respondents in the Municipality of Lakewood, ZDS
April 6 to 12, 2026	Week 11	Assignment of Chapters 4 and 5 to research members.

DATE	WEEK	ACTIVITIES
April 13 to 19, 2026	Week 12	Discussion of data collection procedures and analysis of research results.
April 20 to 26, 2026	Week 13	Discussion of the presentation of findings and implications of the study.
April 27 to May 3, 2026	Week 14	Review and incorporation of various revisions.
May 4 to 10, 2026	Week 15	Discussion and preparation of the Summary, Conclusions, and Recommendations.
May 11 to 17, 2026	Week 16	Finalizations of Chapters 3, 4 and 5.
May 18 to 24, 2026	Week 17	Finalization of the bibliography and preparation of supporting materials.
May 25 to 31, 2026	Week 18	Reminders from Dean Romylyn Regidor.
June 1 to 7, 2026	Week 19	Finalization of the research paper for the Final Assessment on June 7, 2026.
June 8 to 13, 2026	Week 20	Preparation for the Final Research Defense on June 13, 2026.

Budgetary Requirements

DESCRIPTION	COST
Fieldwork Transportation	3,100.00
Meals and Snacks	500.00
Materials and Supplies	500.00
Photocopies and Printing	1,000.00
Hard Binding	400.00
Tokens/Gifts	3,000.00
TOTAL COST	<u>8,500.00</u>

CURRICULUM VITAE



LEZIEL B. CAMPOMANES



**Purok 8, Poblacion
Bayog, Zamboanga del Sur**



09265436059



campomanesleziel@gmail.com



April 29, 1983

Work Experience:

Jan 2026-Present	Administrative Officer II LGU - Bayog Zamboanga del Sur
2015-2025	Crime Registrar Bayog Municipal Police Station Philippine National Police
2012-2013	Store Manager Golden ABC Inc., 1155 Balintawak, Quezon City
2004-2012	Store Marketing Officer / Store Manager Jollibee UNICHAN Incorporated Pagadian City

Education:

Graduate Studies

2016-2018	Master in Public Administration Southern Mindanao Colleges Pagadian City
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Tertiary

2004-2005	Proficiency on Bachelor of Secondary Education (18 units)
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Southern Mindanao Colleges
Pagadian City

1999-2003

Mass Communication Major in Journalism
Western Mindanao State University
Zamboanga City

**Secondary
1995-1999**

Bayog National High School
Kahayagan, Bayog, Zamboanga del Sur

**Elementary
1989-1995**

Bayog Central Elementary School
Poblacion, Bayog, Zamboanga del Sur

Research Experience:

- Promoting a Culture of Dialogue: Assessing the Peacebuilding Initiatives of the Silsilah Dialogue Movement and Peace Advocates Zamboanga Chapter (2002)

Certifications and Licenses

- Career Service Professional (July 2003)

Awards and Certifications:

- Dean's Lister, Tertiary
- With Honors, Secondary
- With Honors, Elementary

Professional Affiliations and Membership:

- None

CURRICULUM VITAE



KAREN T. DAMADA



**Phase 4 Block 4 Lot 6
Villa Hermosa Subdivision,
Banale, Pagadian City**



+639177014818



ayendamada@gmail.com



March 20, 1982

Work Experience:

- | | |
|------------------|---|
| 2004-2023 | Sales and Service Head- Assistant Manager I
Philippine National Bank- Pagadian City Rizal Avenue Branch
Rizal Avenue, Pagadian City |
| 2003-2004 | Store Marketing Officer
Jollibee Foods Corporation
Zamboanga Pershing Branch
Zamboanga City |
| 2002-2001 | Clerk IV
City Mayor's Office
Pagadian City |

Education:

- | | |
|--------------------------------|--|
| Tertiary
1998-2002 | BSBA Marketing
Mindanao State University-Main Campus
Marawi City |
| Secondary
1994-1998 | Zamboanga del Sur National High School
Sta. Maria District
Pagadian City |

**Elementary
1988-1994**

Pagadian City Pilot School
San Jose District, Pagadian City

Research Experience:

- Factors Affecting the Purchase of Appliances for Young Professional
Designed a study with 100 young professional participants

Certifications and Licenses

- Civil Service Professional
August 2002

Awards and Certifications: None

Professional Affiliations and Membership: None

CURRICULUM VITAE



G LADY ANN C. FUERTES



**Purok Subida, Dao,
Pagadian City**



09774207931



gladyfuertes@gmail.com



May 03, 2000

Work Experience:

2024-Present

Secretary / Financial Officer
GAF Trading & Construction

Education:

Tertiary

Bachelor of Science in Medical Technology

2019-2023

Silliman University
Dumaguete City

Secondary

2017-2019

Science, Technology, Engineering, and Mathematics
(STEM) Xavier University Ateneo de Cagayan - SHS
Cagayan de Oro City

Secondary

2013-2017

Pagadian City Science High School
Pagadian City

Elementary

2007-2013

Pagadian City Pilot School
Pagadian City

Research Experience:

- A Descriptive-Correlational Study on the Socio-Demographic Profile and the Psycho-Social, Socio-Political, and Institutional Management Among RMTs in Negros Oriental During COVID-19 Pandemic
- Potential of Durian (*Durio zibethinus*), Jackfruit (*Artocarpus heterophyllus*), and Marang (*Artocarpus odoratissimus*) Seeds as Paste
- Antimicrobial Property of Ginger (*Zingiber officinale*) Against *E.coli* (*Escherichia coli*)

Certifications and Licenses

- Registered Medical Technologist - RMT (2024)
- Medical Laboratory Scientist certified by the American Society for Clinical Pathology - MLS (ASCP) (2024)
- Red Cross First Aider
- Construction Occupational Safety and Health, Safety Officer 2 - COSH2

Awards and Certifications:

- Cum Laude, Tertiary
- With Honors, Senior High School
- Chief Girl Scout Medalist Awardee (2017)
- With Honors, Junior High School

Professional Affiliations and Membership:

- PAMET, Cebu Chapter
- American Society for Clinical Pathology

CURRICULUM VITAE



SHIELA MARIE A. VICS



**B. Andrada Street
Fatima Subdivision,
Balangasan, Pagadian City**



+639502206912



shielamarievics@gmail.com



June 21, 2000

Work Experience:

2025-Present

Audit Team Member / State Auditing Examiner II
Commission on Audit RO IX, LGAS B, Team 5
Balintawak, Pagadian City

2023-2024

Audit Staff / Job Order
Commission on Audit RO IX, NGAS 5, Team 14
Dao, Pagadian City

Education:

**Graduate Studies
2023-2025**

Master in Public Administration
Saint Columban College
Pagadian City

**Tertiary
2018-2022**

Bachelor of Science in Accountancy
Saint Columban College
Pagadian City

**Secondary
2016-2018**

Accountancy, Business and Management (ABM)
Saint Columban College - Senior High School
Pagadian City

**Secondary
2012-2016**

Saint Columban College - Junior High School
Pagadian City

**Elementary
2010-2016**

Balangasan Central Elementary School
Balangasan, Pagadian City

Research Experience:

- Measuring the Level of Effectiveness of Internship Program to the Actual Practice of the Accounting Profession
- SHS Students Preferred Fast Food Chain in the City

Certifications and Licenses

- RA 1080 - Certified Public Accountant
- PD 907 - Honor Graduate

Awards and Certifications:

- Cum Laude, *Tertiary*
- Loyalty Awardee, *Graduate Studies and Tertiary*
- With High Honor, *Senior High School*
- San Pedro Calungsod Awardee, *Junior High School*
- Red Cross Awardee, *Junior High School*

Professional Affiliations and Membership:

- Philippine Institute of Certified Public Accountants (PICPA), ZDS Chapter

CURRICULUM VITAE



NENRALD B. VICTORAMA



Sta. Lucia District, Pagadian City



0955 487 7051



nenraldv@gmail.com



January 16, 1997

Work Experience:

2022-Present Engineer	Quantity Engineer/Quality Controller/Project Engineer/Materials DomnPhil Construction Pagadian City
2020-2022	Full-time Instructor, College of Engineering Southern Mindanao Colleges Pagadian City
Mar. - Aug. 2020	Architectural Engineer Vineyard Construction Cebu City
2019-Feb. 2020	Admin Engineer/Quantity/Site Engineer CEO Builders, Inc. Cebu City and Bohol

Education:

Graduate Studies 2020-Present	Master of Science in Structural Engineering (CAR) Western Mindanao State University Main Campus, Zamboanga City
2020	Second Courser, Professional Education

Lucan Central College, Inc.
Pagadian City.

Tertiary

2013-2018

Cum Laude, Bachelor of Science in Civil Engineering
Southern Mindanao Colleges
Pagadian City.

Secondary

2009-2013

Santa Lucia National High School
2nd Honorable Mention
Pagadian City.

Elementary

2004-2009

Santa Lucia Central Elementary School
1st Honor
Pagadian City.

Research Experience:

- None

Certifications and Licenses

- Licensed Civil Engineer
- Safety Officer - 3
- Licensed Professional Teacher
- Registered Master Plumber
- Materials Engineer - 1
- Provisional Project Engineer
- PD 907 - Honor Graduate Eligibility (HGE)

Awards and Certifications:

- Youth Excellence Awardee - SMC
- Dr. Aurelio Mendoza Academic Awardee - SMC
- Service Awardee since Elementary to College
- Best in Araling Panlipunan, High School
- Best in ICT, High School

Professional Affiliations and Membership:

- Philippine Institute of Civil Engineers, Inc. (PICE)
- Philippine Association for Teachers and Educators (PAFTE)
- Philippine Society of Master Plumbing Engineers (PSMPE)
- Philippine Accredited Materials Engineers Association (PAMEA), Inc.
- The Advocate (The Official Publication of Southern Mindanao Colleges)