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**FINAL REPORT: GOVERNANCE IN JUSTICE II**  
**STUDY ON ACCESS TO JUSTICE IN THE PHILIPPINES**

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## **GLOSSARY OF TERMS**

3 poorest provinces	The three provinces measuring lowest by poverty incidence: Camarines Norte (CamNorte), Lanao del Sur, Eastern Samar)
Bangsamoro Autonomous Region of Muslim Mindanao	Political entity comprising of the original Autonomous Region of Muslim Mindanao (ARMM) plus local government entities or specific areas which voted by plebiscite for inclusion in the entity
Barangay justice/conciliation	The Barangay unit and personalities (under the Lupon Tagamapayapa) mandated under Republic Act 7160 (Local Government Code) to mediate and help peacefully resolve low-level conflicts among or involving Barangay residents. Barangay conciliation is a mandatory pretrial requirement for certain civil and criminal cases defined under the LGC, by their nature involving petty community-level disputes.
BJMP	Bureau of Jail Management and Penology (detention officers/pretrial detention)
BuCOR	Bureau of Corrections (corrections officers/postconviction)
Certificate of Ancestral Domain/Ancestral Land Title	Recognition of title to ancestral domain by an indigenous community
Certificate of Land Ownership	Grant/Recognition of land title to a tenancy land-tiller covered by CARP
Class A/B/C/D/E	Philippine socio-economic class classification measured by income and/or homeownership
Courts	Except where specified, usually refers to the first-level trial courts: Municipal Trial Courts (designators: MTC/MTCC/MCTC) and Regional Trial Courts (designator: RTC). Includes general jurisdiction courts as well as designated Family Courts and Commercial Courts (by law, an additional though priority jurisdiction for such designated courts which retain their general jurisdiction as well) but not the specialized dispute resolution agencies
DAR(AB)	Department of Agrarian Reform (Adjudication Board), quasi-judicial agency for the settlement of land/agrarian reform disputes by tenant-claimants against landowners

Development aggression	Intrusion into the territory/domain of a local community (usually disadvantaged or indigenous) for the purpose of land or resource extraction/exploitation, usually with either violence or forceful coercion, leading to the community's disruption and displacement
DILG	Department of Interior and Local Government
DOJ	Department of Justice
EIGE	European Institute for Gender Equality
EJK	Extrajudicial killing, includes assassination, "drive-by" and "tandem-bike" killings, killings inflicted by state authorities without legal warrant or mandate (and usually under suspicious circumstances negating good faith on the part of the state)
EQAVET	European Quality Assurance for Vocational Education and Training
EU	European Union
FGD	Focus Group Discussion
FPIC	Free Prior and Informed Consent
GoJUST	Governance in Justice Program
High justice	A reference to justice issues involving rights to life, liberty, and the material means to ensure life and liberty, "high issues" of constitutional rights, equal rights/equity, and socio-economic rights/issues such as land reform and indigenous peoples' rights
IBP	Integrated Bar of the Philippines
IDEALS	Initiatives for Dialogue and Empowerment through Legal Services
Indigenous Peoples	Group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed customs, tradition and other distinctive cultural traits, or who have, through resistance to political, social and

	cultural inroads of colonization, non-indigenous religions and culture, become historically differentiated from the majority of Filipinos (Republic Act 8371 Sec. 3(h))
IPRA	Republic Act 8371, Indigenous Peoples Rights Act
JNS/Survey	(SWS) Justice Needs Survey
Justice sector	Aggregation of justice-related government agencies, usually: courts (Judiciary), prosecution service (DOJ), police (DILG), corrections officers (DOJ) and detention officers (DILG)
Justice Zones	GoJUST I initiative of coordination among justice sector stakeholders in a defined geographic area (as of this report: Quezon City, Angeles City, Naga City, Bacolod City, Cebu City, and Davao City)
KII	Key Informant Interview
LGTBQ+/LGTB(IQA)	Lesbian, Gay, Transgendered, Bisexual, Intersex, Queer, Asexual + persons/community
LGU	Local Government Unit (provincial, city, municipal, barangay)
Low justice	A reference to justice issues involving “course-of-life” matters such as low-level domestic and community conflicts, general property matters, or issues which does not heavily engage a high justice matter (e.g. regular labor cases and domestic and intimate persons violence, which while labor and women’s rights are constitutional issues are also generally settled issues without need to challenge the law involved, and only question whether the law was complied with or violated)
Lumad	Indigenous peoples native to and resident in Mindanao, differentiated from Muslim-resident and Christian settler communities in Mindanao (and Bangsamoro Autonomous Region in particular)
NCIP	National Commission on Indigenous Peoples
NHA	National Housing Authority
NLRC	National Labor Relations Commission of the Department of Labor and Employment (DOLE), quasi-judicial agency for the settlement of labor disputes by employees against

		employers
PAO		Public Attorney’s Office (state-provided representation for indigent litigants or otherwise unable to procure counsel)
PNP		Philippine National Police (DILG)
PWD		Persons with Disabilities, those suffering from restriction of different abilities, as a result of a mental, physical or sensory impairment, to perform an activity in the manner or within the range considered normal for a human being (Republic Act 7277 Sec. 4(a))
Red-tagging		A practice by state, state-affiliated, or state-sponsored personalities or entities to publicly denounce or accuse certain persons or entities of involvement in or affiliation with the local communist insurgency, for purposes of intimidation, retaliation, or marking of the target for further attacks (including assassination/murder) and ostracization
Religious pastors, imams	leader/Priest,	Religious community leader recognized at the local level, usually parish priest (Catholic), local pastor (Christian), or imam (Muslim)
Resource Officer	Management	Government officer of the Department of Environment and Natural Resources involved in the management and conservation of natural resources and environmental preservation in their defined geographical and jurisdictional ambit (e.g., aquatic, forestry)
Rural poor/Farmers, Upland Communities	workers/Rural	Distinct groups of agricultural-based laborers, peasants and land-tillers (usually under landlord-tenancy arrangements), subsistence fishing communities, or upland forested area communities, all of which share a right-to-resources approach that is generally socio-culturally based (way of life) as opposed to being capital-based (means of production). Also includes farmers intended as beneficiaries of the Comprehensive Agrarian Land Reform Program (CARP/CARPER)
Small Claims Courts		Designated Municipal Trial Courts with jurisdiction to hear cases below a threshold amount (PhP400,000/300,000 depending on venue), and which utilizes special procedure facilitating filing, pleading, and expeditious resolution, usually without formal legal representation
Specialized resolution agencies	dispute	Government quasi-judicial agencies with specialized jurisdiction to hear certain cases; e.g. labor, agrarian

		reform, construction arbitration. May include the Philippine Mediation Center (PMC), a Judiciary-attached agency specialized in alternative (non-court) dispute resolution mechanisms and is formally part of the regular court case procedure
SWS		Social Weather Stations
Traditional leader	(community)	Informally (non-state)-designated leaders or elders in a community
Tribal/IP leader		indigenous community leaders and elders
UNOPS		United Nations Office for Project Services
Urban Poor		Persons and communities in urban areas, usually defined as subsistence-earning or below a threshold income (not necessarily poverty line), with little-to-no employment/job security, food security, housing/shelter security, and access to social and state resources. Also includes by definition informal communities (derogatory-colloquial “squatters”) with no land title to their dwellings and facing potential eviction due to enforcement of property right
Youth		Generally defined as minors (below 18 years of age), but also tends to include tertiary/college students (generally 17-22 years of age)

## **EXECUTIVE SUMMARY**

This Study on Access to Justice in the Philippines is an initiative of the Governance in Justice II (GoJUST II) Program of the Department of Justice (DOJ) and Department of Interior and Local Government (DILG), with the financial support of the European Union (EU) and the technical support of the British Council and the United Nations Office for Project Services (UNOPS). By focusing efforts on improving access to justice for all especially women and other disadvantaged and marginalized groups, GoJUST II builds on the achievements of its predecessor program, GoJUST I which focused on strengthening coordination among the institutions comprising the Philippine Justice Sector at the local level.

Focusing on the beneficiaries of the justice sector, the public and particularly individuals who are in need of and demand justice services to resolve their conflicts and issues, the Access to Justice Study aims to create a picture of Filipinos' perspectives of justice, their justice-seeking behavior, and satisfaction with the justice sector and its services. This shall be captured quantitatively and qualitatively, and with a particular focus on women (as an explicit GoJUST II goal), sectoral groups such as the urban and rural poor, the LGTBQ+ and Persons with Disabilities (PWD) communities, indigenous peoples, and the youth. This effort also will highlight findings from the GoJUST I-established/sponsored Justice Zones to contrast with the rest of the country.

The quantitative work was conducted through a Social Weather Station (SWS)-administered Justice Needs Survey (JNS, or the Survey), which while based on similar work done in other countries, is a first of its kind for the Philippines. The Survey questioned respondents countrywide on their experience in dealing with conflicts or issues potentially resulting to a court case ("justiciable issues"), and the mechanisms by which they sought resolution, both through state agencies (formal) and through other, non-state means (informal). They were also questioned on their satisfaction with and trust towards these state justice entities, and personalities formally or informally involved with justice work; and on their perspectives of justice.

The qualitative work was conducted through a series of Focus Group Discussions organized by Initiatives for Dialogue and Empowerment through Legal Services (IDEALS), involving members and representatives from targeted sectoral, disadvantaged, or marginalized groups (urban poor, farmer/fisherfolk and upland communities, indigenous peoples, women, LGTBQ+, youth, and PWDs). Centering on the theme of their experiences of injustice, and challenges to their achieving the ends of justice with respect to their unique needs and their disadvantaged position in society, this Study revealed their ongoing anxieties about seeking justice in mainstream Filipino society, pointing to structural obstacles either excluding them from effectively leveraging the formal justice sector, or disincentivizing them from doing so.

Both the Study and the Survey reveal that the Filipino population, whether mainstream or marginalized, and across demographic strata and geographic boundaries, possess a



fairly mainstream, ideal notion of justice, and have their respective dissatisfaction with where their actual experience of seeking justice falls short. With its granular and quantitative focus, the Survey revealed Filipinos generally resolve many issues, usually petty, outside of the formal justice sector, and usually to better satisfaction. Within the justice sector, they remain ambivalent about the traditional court system and are critical of some dispute resolution agencies, but rate their experience of Barangay conciliation and small claims courts more favorably, and this is also reflected by their trust in the respective personalities and institutions of the sector. Just as important, the Survey showed an apparent greater tendency for dissatisfaction from marginalized and minority sectoral groups—but, apart from a few stray cases, those same groups in the Justice Zones rate their experience of and trust in the justice sector higher on average than their contemporaries elsewhere.

The Study in turn captured the anxieties of the marginalized with their experience of injustice from the mainstream and from the state. Whether women or LGBTQ+, the urban/rural poor or the indigenous, all point to paternalistic indifference or worse, active hostility from state institutions and mainstream society for their grievances, and the absence or nonenforcement of laws to secure them from retaliation or ignorance of their needs as they exercise their own demands for justice. There is as much an emphasis on deep cultural changes in these institutions and their personalities, and increased representation or participation within, as it is on legal and institutional improvements, in order to redress these injustices.

The differing thrusts and natures of the Study and Survey point to a “high justice/low justice” mix of experience of justice in the Philippines, where the mundane matters of everyday life drive justice-seeking behavior as much as the high ideals of inclusivity and equality, and the solutions they imply if not outright demand. And more towards the ends of GoJUST II, they also reveal the wisdom of the Program’s focus on this “demand side” of justice—as they also point to the limits on the approaches and paradigms adopted within GoJUST I. Positive impressions from within the Justice Zones also point to early signs of benefits from the earlier Program. Yet there is a need to consider, if not bring in, the roles of traditional community and religious leaders in conflict resolution and justice-seeking, the evidently large role the Barangay justice system plays, include specialized dispute resolution agencies such as labor arbitration and agrarian reform in the scope of justice reform, greater inclusivity for sectoral groups in the front-facing offices of the justice sector, and address the dissatisfaction of the marginalized and those from the poorer areas of the country.

## 1. INTRODUCTION

The Governance in Justice (GoJUST) Program is a joint project of the Republic of the Philippines, with funding and support given by the European Union, the British Council, and the United Nations Office for Project Services (UNOPS). Its aim is to improve the Filipino peoples' access to justice,<sup>1</sup> the ease and effectivity with which ordinary people can secure resources and mechanisms for protection and defense of their lives and interests, and resolution of their disputes. Access to justice is a key principle of the rule of law, and especially equality of access.<sup>2</sup> Even anecdotes from the legal profession will tell of how burdensome court trials are to those subjected to the proceedings; those blessed with material resources, information and knowledge, social status and connections, and raw and subtle power are more capable of surviving the ordeal, of "getting what they want" from the legal system, than those who are cursed without.

GOJUST measures its success in four Key Results Areas, markers by which the Program implementors can keep score of their efforts. These Results Areas are:

RESULT 1. Justice sector coordination mechanisms are improved.

RESULT 2. Strengthened institutional efficiency and effectiveness in the delivery of justice services.

RESULT 3. Increased access to the justice system for vulnerable groups, including women.

RESULT 4. Justice Policy and practice is informed by evidence and responds to justice needs.

The first phase of GoJUST (GoJUST I) began as a five-year program, ending in 2019, which aimed to improve the delivery of justice services by stakeholders of the justice sector: the Judiciary and its role in adjudication of conflict; the Department of Justice and its role in prosecution and discipline/rehabilitation of those convicted of criminal offenses (National Prosecutorial Service, Bureau of Corrections/Bucor); and the Department of Interior and Local Government and its role in maintaining peace and order (the Philippine National Police/PNP and Bureau of Jail Management and Penology/BJMP). One of GoJUST I's key projects is the localization of institutionalized coordination efforts—at the national level through the Justice Sector Coordinating Council—through the creation of Justice Zones around the country, the first six being in Quezon City, Angeles City, Naga City, Bacolod City, Cebu City, and Davao City. To quote present Chief Justice Alexander Gesmundo, "Therefore in a Justice Zone, the delivery of public services is not agency- or actor-driven. Rather, in a Justice Zone the efficient and effective delivery of justice services is sector-initiated and sector-propelled."

Apart from the establishment of the Justice Zones, other key achievements of GoJUST I are the intensive docket decongestion activities for 94 heavily burdened courts; the re-

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<sup>1</sup> "About GOJUST", retrieved from <https://www.gojust.org/about-gojust>

<sup>2</sup> "Access to Justice," United Nations and the Rule of Law, retrieved from <https://www.un.org/ruleoflaw/thematic-areas/access-to-justice-and-rule-of-law-institutions/access-to-justice/>

engineering of Judiciary offices performing crucial functions, which are the Management Information System Office (MISO) and the Office of the Court Administrator (OCA)-Office on Halls of Justice; support in the revision of the Rules of Court.<sup>3</sup>

But if there is something that characterizes the efforts of GoJUST I, once the Program concluded in 2019, it is that its subject and beneficiary is the state, in particular the justice sector. While there is no flaw or fault in this approach—the intention was after all to improve the delivery of justice services, and what better way to begin than by improving and reforming the bureaucracy of justice—the metrics of its success would ultimately be self-referential: how fast can information flow from one agency to another; how fast can this information be translated to action by the concerned entity; how far can the dockets of courts and prosecutors, of jails and prisons be de-clogged. Against the Key Results Areas, these efforts can address only the first two. The latter two, increased access to justice and data-driven justice policy, are results which by their nature cannot be achieved by self-referential efforts; their success cannot be measured simply by looking at the justice sector alone.

GoJUST II is the second, four-year phase succeeding GoJUST I, which aims to support the continuing efforts of the Philippine justice sector to improve access to justice for all. The overall objective of GOJUST II is to contribute to inclusive and sustainable socio-economic development through improved access to justice for all. This overall objective will be pursued to develop more responsive and accountable justice services. The programme's key strategy is to put "people at the center of the justice system" through a 2-pronged strategy of strengthening the capacities of justice sector institutions to provide justice services that are efficient, fair and accessible and improving the capacities of communities, particularly women and the poor to access justice and achieve effective remedies for their disputes.

In order to do so, the overall objective of this assignment is to conduct an analytical study on access to justice in the Philippines. The study will examine the justice needs of the Filipinos in general, review their justice seeking behavior, and provide recommendations addressed to justice sector institutions and civil society in general, and to the GOJUST II program.

A key addition in GOJUST II is a focus on results impacting access to justice for vulnerable groups. In line with this particular focus of the assignment, a purposive, selective qualitative study on the justice needs of selected poor and disadvantaged sectors was conducted from February to June 2022. The objective of the qualitative study is primarily to provide an input to the design of the grants mechanism, in tandem with the justice need survey. The secondary objective is to provide inputs to the design of the research agenda of result 4. R4 encompasses all the three result areas, both institutional and also access to justice issues. Broadly, it is also to provide a context on the conditions of vulnerable groups—their lived realities, their notions of justice, and their experiences in access justice mechanisms.

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<sup>3</sup> "Chief Justice Gesmundo Welcomes GOJUST II Officers," retrieved from <https://www.gojust.org/chief-justice-gesmundo>

By “vulnerable groups”, this assignment adopted the definition made by the European Quality Assurance for Vocational Education and Training (EQAVET) as “Groups that experience a higher risk of poverty and social exclusion than the general population [such as] [E]thnic minorities, migrants, disabled people, the homeless, those struggling with substance abuse, isolated elderly people and children.” Together with this, it also adopted the definition made by the European Institute for Gender Equality (EIGE) as: “Groups of persons that experience a higher risk of poverty, social exclusion, discrimination and violence than the general population, including, but not limited to, ethnic minorities, migrants, people with disabilities, isolated elderly people and children.” The second definition complements the first by adding contexts of violence and systematic exclusion through discrimination to the disadvantage faced by marginalized groups and peoples, to which tools of law and justice are called to address.

The overall objective of this assignment is to conduct an analytical study on access to justice in the Philippines. The study will examine the justice needs of the Filipinos in general, particularly selected vulnerable groups, review their justice seeking behavior, and provide recommendations addressed to justice sector institutions and civil society in general, and to the GOJUST II program.

Within the assignment are two component activities commissioned in line with this analytical study:

1. A selective and qualitative study on the justice needs of selected poor and disadvantaged sectors; and
2. A Justice Needs Survey to be conducted within the selected respondent samples for this study.

This qualitative findings presentation is to be integrated with the Justice Needs Survey into the overall GOJUST II study to make an in-depth analysis of the implications of these two pieces of work to the general notion of access to justice, and to the result areas of GOJUST II.

In the following presentation of findings and synthesis, reference is made to the respective final outputs of this assignment’s technical participants: the Social Weathers Survey (SWS) for the quantitative Justice Needs Survey, and IDEALS for the quantitative Focus Group Discussions. Their respective final outputs are annexed to this report as Annexes “A” and “B”, respectively.

## **2. QUANTITATIVE SYNTHESIS: PRESENTATION OF THE SWS JUSTICE NEEDS SURVEY**

### **2.1. CONTEXT**

In looking at access to justice, and especially when attempting to chart the impact of the GoJust program in the Justice Zones compared to the rest of the country, it bears reminding that justice is not merely a concept or an ideal to be complied with. Justice at this level is an experience, of individual persons of varied backgrounds, experiences, and needs encountering the instruments and agencies of dispute knowledge, articulation, negotiation, and adjudication. This perspective reflects the perspective that “justice is studied as an interdependent relationship between the ideal of justice, and its real manifestation” in complex societies.<sup>4</sup>

GoJust I aimed at improving the infrastructure of justice, improving coordination among the government agencies involved in the justice process (courts, police, corrections officers, LGU, other government agencies), in the hopes of streamlining processes, and improving the delivery of their services to the population. Missing in the equation though, is what happens at the front line: what is the experience of justice on the ground, where the front-facing personnel of the justice system interact with the people who either seek their services, or have been summoned in order to respond to allegations against them. While the personnel can describe the difficulties of their job, it is the people who can truly respond as to whether the performance of their duties was satisfactory; if the manifestation of justice, its experience, truly delivers for the end user, and those who need it.

As expressed by SWS in the Justice Needs Survey, this nationally-administered, wide-ranging survey is the first of its kind in the country. It drew, however, from similar survey projects administered elsewhere, having adapted the methodologies and questions asked to the local, Filipino context. That adaptation can for example be seen in the expansion of questions regarding dispute resolution mechanisms to include the Brarangay Justice/barangay conciliation system, by law part of the formal court-based dispute resolution system but also an annex and potential alternative to try and resolve the matter amicably between the parties, and informal mechanisms of dispute resolution which include referrals to religious and community leaders, and tribal elders holding traditional, if not formal roles in the community/locality. Together with the qualitative study done jointly with the survey, this is really the first systemic attempt to capture the Filipino *lived* experience of the justice system, or of justice for that matter (again, the expansion to include informal mechanisms), in a systemic fashion that would, at the very least, allow the reader to identify trends if not fully-ingrained expectations and practices.

This survey was conducted also with respect to geographic and demographic breakdown allowing SWS and the reader to reaggregate the respondent data with

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<sup>4</sup> Bridget Anderson & Pier-Luc Dupont, *Just Deserts? Justice, deservingness & social assistance*, 2019, ETHOS consortium

respect to province, age, sex (and arguably gender when one accounts for the LGBTQ responses which are reported separately) and social sector, particular attention being paid to self-ascribed minorities, indigenous peoples, LGBTQ+, and PWD respondents; and with reports aggregated as well from the three poorest provinces of the Philippines and the five Justice Zones established as of the time of the survey. This allows for ready, cross-cutting comparisons that allows to see whether geography, economics, gender, marginalization, or disability affect the experience of justice. (Obviously the answer that they all do, but to what degree in the Philippine experience is what is possible to capture at a quantitative level now that a survey framework has been established.)

For the purpose of brevity this section will, at most if at all, summarize the technical descriptions and findings of the Justice Needs Survey; the SWS Report annexed to this speaks best for itself with respect to the technical details, and the immediately-apprehended statistical trends they are able to report. This section, with respect to the GoJust II program, aims to draw the implications of that data and those trends, directing its answers to the Key Results Areas of the GoJust Program. Together with the qualitative study in the succeeding chapter, this shall draw a comprehensive picture of how Filipinos feel about their country's justice system, how they feel about its front-facing institutions and whether they derive just satisfaction from them.

*(All following parenthetical citations provided in this section are from the Justice Needs Survey 2021 Final Survey Report, Social Weather Stations. Citation is by page and where appropriate by Chart number for immediate reference.)*

## 2.2. EXPERIENCE OF JUSTICIABLE ISSUES

As summed up in the Justice Needs Survey Report, one-in-three adult Filipinos experiencing any justiciable issue in the previous five years, and with the distribution across national-level (37%), Justice Zones (32%), and 3 poorest provinces (28%) being nearly even with each other, seems to suggest a relatively even spread of a *need for justice services* across the country. In other words, whether one hails from Metro Manila or a metropolitan area, or from the rural provinces or even the three poorest of them, around one-in-three encounters such a problem that it could require a response from the justice sector for a satisfactory resolution.

Interestingly, the breakdown of this result by sociodemographic classes (p. 56 Tab. 20) reveals an almost equal distribution across classes as well: socioeconomic class (28/37/32% for Class ABC/D/E), and sex (37/36% for M/F). Whether SWS's assessment that the results show that, consistently whether at the total Philippines calculus or broken down by balance national/Justice Zones/3 poorest provinces, urban respondents reported higher on experience of justiciable issues than rural residents, reflects a worrying context is not immediately apparent from the data: it remains true at a general level that the distribution of legal resources is weighted more favorably for urban populations compared to rural. Urban life however also creates more points and

incidences of conflicts than rural life, given the unique challenges faced by cities and metropolitan areas compared to agrarian populations.

However, it is clear from the sectoral and marginalized groups breakdown that, apart from IPs, significant numbers, even majority of respondents therein report having justiciable issues: at the total Philippines level, 70% for LGTBQs, 61 % for PWDs, generally 44% for self-ascribed minorities. But Justice Zones might represent a bright spot here, where 44% of LGTBQs, 34% of PWDs, and 32% of self-ascribed minorities reported any justiciable issue—lower results compared to the national average, and even that of the 3 poorest provinces.

When one looks into the character of the justiciable issue being experienced, the SWS survey responses suggest an almost uniform breakdown across geographic lines as well (p. 58-60, Tab. 22): the top responses whether Total Philippines, National, Justice Zones, or 3 poorest provinces always tends to be “Problems with Purchased Goods”, “Problems with Neighbors,” “Overcharge/Disconnection” of utilities, “Nonpayment of Loans,” and “Motor vehicle/Motorcycle Accidents.” These are the mundane, everyday problems one would likely encounter on average in life, especially with respect to personal economic affairs. The grave justiciable issues covered under Category J (felonies or crimes, including components of either violence, drug use, and/or minority of the offender) represent a small fraction of the total responses of those who had experienced a justiciable issue.

Even responses to the question of which issues were the most serious for the respondent reflect this concern over the mundane. Again, at the National, Justice Zones, and 3 Poorest Provinces, the top responses were the same as that of the actually-experienced problems (p. 61-62, Chart 50-52). And this holds when one pairs this with the top response to the question “How would you best describe the justiciable issue” as “Bad luck/part of life” (38%) or “family/private matter” (21%) (p. 73 Chart 54). The top responses to this latter question in fact holds a majority, and a combined plurality, of responses even when broken down geographically (p. 74 Chart 65), or demographically (p. 75 Chart 66). [It may be reading too much into the responses as well, but it seems that the most fatalistic respondents belong to Camarines Norte (66% “Bad luck”) and the PWDs (69% “Bad luck”).]

The results above suggest there is a relatively even geographic distribution of need for justice services across the breadth of the Philippines, and that for a large majority of cases, this need is to tackle mundane, “course of life” issues such as personal and household economic matters, and small-scale disputes between neighbors. This is not to suggest that there is no pressing need for justice services to tackle more serious matters such as violent crime, larger-scale nonviolent crimes, and serious matters which by law must be dealt with judicially—these do exist, and at some point, the courts are the only response legally available to deal with them. But—and this matter will be revisited when discussing population satisfaction with justice services—this goes to show that, in terms of what character of justiciable problem will likely be elevated to formal or informal justice services for resolution, more often than not it is the mundane

that is brought to the forum. [Point for clarification: just because it is described here as “mundane” it does not mean that it is not urgent: a problem like credit card debt or employment may be very important, if not crippling or even life and death, for the one experiencing the problem.]

### 2.3. CAPACITIES TO CONFRONT THE JUSTICIABLE ISSUE

One thing apparent from the answers to the question “Did you take any action and what action did you take, if any, to resolve your dispute,” is that more than half of respondents who had a justiciable issue (63% of the 35% nationally who had a justiciable issue) did take action to resolve the matter, and within that 63% is 41% who chose to resolve the matter by communicating with the other party, rather than elevate the matter by bringing third parties, government officials, or the courts in (p. 87 Chart 82). That can be combined with two other sets of responses:

- “Of those where action was taken to resolve the issue, which party initiated the response?” To this, significantly large majorities, whether it was communicating with the other party, or going to a lawyer or the courts, government agencies or local/traditional leaders, responded that they took the initiative, instead of waiting for the other party to take action (p. 88, Chart 83); and
- In a later question, “How was your dispute ultimately resolved,” 36% of respondents saying that the dispute was resolved by agreement between the parties (p. 157 Chart 170);

to give the impression that Filipinos tend to self-start in resolving their justiciable issues, and that the first response they try is to amicably resolve the matter extrajudicially, hopefully without involving any third parties. This is not to say, again, that Filipinos will more likely than not resolve the matter extrajudicially without involving third party mediation/adjudication. Anecdotally, it may be said that it is likely the Filipino character to try and peacefully resolve the matter (*pakikisama*), but they are just as likely to elevate the matter to a full-on dispute if they cannot get a satisfactory resolution among themselves—only to realize during the course of the proceedings that they could, in fact, come to an agreement. (The anecdote here is the number of formal civil cases in court that are resolved by Compromise Agreement, and the fact that settlement of the matter at the Barangay Lupon/Conciliation level is by its nature a compromise agreement.) A lot can and does happen between the first response to a problem one would take (try and talk it out with the other party), and the resolution of that problem.

Nonetheless, these results reveal that Filipinos do tend to try to resolve matters by talking with the other party, at least before taking further action. Breaking those results down geographically shows similar consistency at the macroregional level (national, NCR/Luzon/Visayas/Mindanao). However, at the 3 poorest provinces, respondents resorted less to agreeing with the other party in resolving the problem (15% for CamNorte, 32% for Eastern Samar, 22% for Lanao del Sur; all lower than the 36% Total Philippines and 34% Justice Zones result). (p. 158 Chart 171) This is despite the fact



that in all three provinces, large majorities reported taking action in order to resolve the issue (p. 89 Chart 84).

It should be gravely noted that in breaking down the answers to the question “Did you take any action to resolve the issue,” across the 3 poorest provinces, 0% of both IP and PWD respondents reported taking any action at all. 26% of self-ascribed minorities reported; so did 50% of LGTBQ respondents (p. 92 Chart 88). That is compared against the same results in the Justice Zones (though no recorded IP respondents) (p. 91, Chart 87), or for that matter the national survey in which 74% of IP respondents reported taking any action to resolve the issue, 35% PWDs, 64% LGTBQs, and 67% self-ascribed minorities.

However, the IP responses in the 3 poorest provinces may be taken in context with the responses therein to the subsequent question “What were the reasons for your not taking any action to resolve the issue”, where 100% of the responses were that the problem was “resolved” (p. 113 Chart 114), suggesting an external action that led to the resolution. (PWDs and self-ascribed minorities, in contrast, were more or less evenly divided between “too small a thing” and “problem resolved.”)

#### 2.4. RESOURCES TO CONFRONT THE JUSTICIABLE ISSUE

Traditional TV and radio still dominate majority of Filipinos’ access to information and knowledge of legal issues and law matters, a finding consistent across gender, economic, educational, and geographic strata/categorization. Newspapers particularly were a paucity among the surveyed respondents (practically not even once a week or never dominates). The use of the internet as a source of information is particularly large though, with even the older and less educated respondents surveyed indicating frequent, daily usage. Certainly, the younger and more educated segments of society were heavily invested into internet use. (p. 114 Chart 115)

Survey indicates that Facebook and Youtube is the most used social media platforms. (p. 115 Chart 116). Significantly, among the marginalized/social groupings (and this also includes general internet usage), IP groups are the least active users. But even among IP users, as well as the rest of the country, the internet a frequent source of news and information (p. 123 Chart 124). Also significant is that across all strata, majority of respondents indicate accessing the internet using their own device.

In judging which sources of information was most helpful in helping respondents understand their legal dispute, NCR points to social media, while outside of NCR, the data presents a mixed bag: Luzon respondents divide evenly between social media and the rest of the Internet; in Visayas and Mindanao traditional media still holds a significant place, in Visayas outweighing all internet-based sources at 55%. (Nationally though, social media tends to be the most favored.) The Justice Zones breakdown on average tend to reflect the national breakdown. Among the three poorest provinces, of those who gave a recorded response, interestingly the 67% in Eastern Samar and 11%

in Lanao who gave a response all pointed to social media; the 80% who responded in CamNorte evenly divided between social media and television. (p. 122 Chart 123)

When divided against social and economic strata, the younger and dedicated segments favor social media and internet sources, although based on where the pattern breaks (at the 45-54 age and elementary school brackets), internet adoption and application to legal matters is both early and widespread. Among marginalized and social sectors, IP groups understandably look to television as the most helpful source (33% of given responses), LGTBQ also understandably looked to the internet and social media. (p. 124 Chart 124)

Knowledge about rights, resolution, and law constituted the most cited categories of information sources sought by respondents. Minutiae matters (e.g. financial, paperwork and bureaucratic) were seldom if not rarely researched. Interestingly, whereas the national average ranks the sources Rights > Resolution > Law, in Visayas Resolution information was more heavily sought compared to Rights. This tends to be replicated across Justice Zones as well; Cebu City respondents consistently cited searching for Resolution information (Naga as well, albeit it is in Luzon); Bacolod City respondents evenly cited Rights and Resolution research. (p. 127 Charts 129-130)

On the breakdown of age and education, Resolution starts skewing heavily when one is over 55 years of age and at least has JHS level of education. (p. 129, Charts 132-133) Rights research figures heavily though—and respondents from the sectoral groups heavily, even overwhelmingly look up Rights research sources—consistently among self-ascribed minorities, LGTBQ+ and IPs. (p. 129 Chart 133)

When one looks up legal advice, of the 54% of respondents who stated they did, Barangay officials, non-legal family members, and police were the most resorted-to advisors. Of the actual legal advisors, they constituted a small minority (acquainted lawyers and no-acquainted lawyers at 5% and 6%; PAO lawyers at 5%, IBP legal aid and NGOs at 1% each). Similar breakdowns occurred when the question then became who were the most helpful legal advisors. (p. 130 Chart 134)

Some interesting breakdowns in this area: at the national level LGTBQ respondents more heavily favored family members over barangay officials (54% versus 23%). PWD respondents all pointed to barangay officials. (p. 138 Chart 143) In the justice zones, minorities, LGTBQ, and PWDs all point to family members. (p. 139 Chart 144) In the 3 poorest provinces for LGTBQ+ respondents, on the other hand, it was barangay officials (p. 139 Chart 145) This is an interesting discrepancy whose context could not understandably be captured by the survey: why is it, particularly among the queer community, in the Justice Zones they had sought advice first (if not primarily) from family, whereas in the 3 poorest provinces more likely it was from the barangay.

When broken across strata, it was those who were only able to finish elementary schooling (if at all) that heavily sought legal advice; the breakdown is more even for other strata categories. Interestingly, college graduates and PWDs were the least

frequent to seek legal advice to better understand their legal matter (32% and 18% of respondents.) But when the data is broken down according to 3 poorest provinces and justice zones, one can almost consistently see heavy preferences to seek legal advice, particularly for minorities, LGTBQ, and PWDs. (pp. 133-135, Charts 132-140)

When a legal advisor is sought, Resolution is usually the subject matter (compared to Rights or Law), though Rights figure more heavily in Visayas and Mindanao (also in Justice Zones within). This is also reflected in the 3 poorest provinces, albeit the breakdown is closer to even. (pp. 140-142 Charts 146-148) Resolution is also more heavily sought in engaging with a legal advisor compared to other matters among marginalized/sectoral respondents, and college-above graduates. (p. 143, Charts 150-151)

Some of the more immediate generalizations from the available data suggest that Filipinos tend to seek legal advice either at the stage of seeking a (more formal or at least structured) resolution of their problem, or at least while attempting to formulate solutions to their problems. This is drawn from the greater weight of responses being “Seek information about how to resolve your problem” versus “Seek information about your rights,” although it is noted that the Visayas/Mindanao responses weigh more heavily towards the latter answer.

When it comes to seeking third party advice, barangay officials and family members predominate as first-rank options of resort for the respondents. The question of why, as far as the sample respondents are concerned, lawyers and other legal professionals do not figure highly as options of resort remains, though it would be useful to return to this matter upon discussion of trust in the justice sector in the next succeeding section. An immediate hypothesis is to connect this to the more mundane character of majority, if not a plurality of Filipino justiciable issues earlier referred to, which may lead to respondents feeling that a lawyer need not be immediately resorted to. Nonetheless, the matter will be revisited appropriately as described.

## 2.5. EXPERIENCE OF RESOLVING THE JUSTICIABLE ISSUE

In no other area of the SWS Survey than this is where the opinions and perspectives of Filipinos of the Philippine justice sector may be best perceived: the front line. In the battery of questions asked about respondents’ experiences in dealing with their justiciable issue is, if not entirely, then the beginnings of a report card on the Philippine justice sector’s responsiveness to its intended beneficiaries.

First off: the question of whether the justiciable issue of the respondent (occurring in five years from the date of survey) had already been dealt with by date of the survey. The nature of a justiciable issue would already suggest that it is hard to draw any hard conclusions from this data, or that it can be generalized (every person’s case is always dealt with individually, of course, regardless of prior precedent or experience informing the matter). But the Survey did report that of the 63% who took any action to resolve

their dispute, 60% of them reported their issue having been resolved, 22% ongoing, and 14% having given up on the matter (and the issue still persisting). (p. 148 Chart 158)

When broken down geographically SWS noted that at the national level and the Justice Zones, more respondents (average of six-in-ten) report their issues having been completely resolved compared to 47% in the 3 poorest provinces. (p. 148) Granted, though, diving deeper into the breakdown reveals that within the 3 poorest provinces, CamNorte respondents reports conclusion of their justiciable issues at rates comparable to the national and Justice Zones average (67%), though their ongoing cases at 26% is still higher than the Justice Zones average (15%) and the national average (22%). Eastern Samar comes second with 55% resolved, and 20% ongoing. Lanao del Sur comes last with 32% resolved and 48% ongoing, the lowest and highest rates respectively compared to the breakdowns among NCR/LuzViMin, and the respective Justice Zones. (p. 149 Chart 159)

Demographically, at the national level as noted within the Survey “large majorities say their disputes are already done with,” and broken down this holds true across all age strata and among the sectoral groups. (p. 150 Chart 160) Once this data is further disaggregated at the geographic level, though, interesting results emerge. Among the 3 poorest provinces, for example, one generally observes a far more even distribution of “problem resolved” versus “problem ongoing” responses, particularly with females, respondents over the age of 24, and generally with the mainstream population. Yet interestingly 100% of LGBTQ+ and minority respondents report their issues having been resolved. (p. 152 Chart 163)

This is in contrast to the results in the Justice Zones, where “problem resolved” tends to hold the majority of responses for both sexes and all age groups as well as educational attainment, but when LGBTQ+, minorities, and PWDs are questioned “done with, but problem persists” hold the majority (at 67%, 79%, and 95% respectively) compared to “problem resolved.” (p. 151 Chart 162) This is where reiterating that every person’s justiciable issue is dealt with individually is important: other factors may explain as to why sectoral respondents in the Justice Zones would report that the resolution of their justiciable issue did not resolve the problem underlying it all in the first place, while in the 3 poorest provinces how it was resolved somewhat *does*.

For those whose problems have been resolved, in terms of *how* the problem was resolved, or more accurately by what mechanism, the breakdown of results reveal that a large number (though not a plurality) of these issues are resolved through amicable agreement between the parties (at 36%). Formal resolutions through state intervention, either through the Barangay conciliation system (17%), the courts (1%), or specialized dispute resolution agencies (1%) do not in total even outweigh amicable resolution. The remainder are distributed through other mechanisms/responses, and in particular 7% of the concerned respondents answered “resolved by community leaders/organizations,” and 5% “resolved through other (private third) parties like friends, etc.” At around 12% total this is a significant (even if not necessarily large) number of respondents whose issues were resolved by engaging non-formal sources of justice service; e.g. religious

and community leaders, a matter which will be revisited in looking at trust in the justice sector. (p. 157 Chart 170) And these informal mechanisms come in third place after amicable agreement and formal, state mediation/adjudication.

Both geographically and demographically, issues being resolved amicably held larger than through barangay conciliation whether at the national or regional level (save Mindanao), the Justice Zones (save Naga and Davao), and by sex and age groupings. The reverse would hold true in Mindanao; the Davao Justice Zone; the 3 poorest provinces (save Lanao del Sur); lower educational attainments; and especially among IP groups, where more respondents found resolution through the Barangay. (pp. 158-159, Charts 171-172). Particularly at the 3 poorest provinces, more self-ascribed minorities and LGBTQ+ respondents answered “through the Barangay” (p. 162 Chart 175) compared to the Justice Zones where similar respondents answered “through agreement.” (p. 161 Chart 174)

Part of the survey included questions asking the respondents to self-assess whether they felt the resolution of the problem was favorable to them, and how satisfied they were with the process. Whether at the total aggregate, or broken down geographically and demographically, majority assess that the resolution (however it came about) was favorable to them (pp. 153-156, Charts 164-169). The outliers, ironically, were the sectoral groups—and *only in the Justice Zones*—where more affected respondents assessed the resolution as “against them” than “favorable.” (p. 155 Chart 168)

Satisfaction with the result was a separately assessed matter, with responses ranging from “very satisfied,” to ambivalent, to “not at all,” and aggregated against the mechanism of response. Granted, when all the mechanisms are aggregated together, generally “70% were satisfied... with how their problems were resolved” (p. 171 Chart 185), representing a large proportion of satisfied respondents at the national level and also when broken down geographically. Breaking down these responses against the mechanism of resolution however reveals the other side of the coin represented by the formal/state resolution mechanisms (courts, Barangay, and specialized agencies) comprising only around 19% of respondents’ justiciable issue resolutions.

## 2.6. SATISFACTION WITH THE RESOLUTION OF THE ISSUE

When the matter is resolved by agreement of the parties, a total of around 86% of applicable respondents respond “satisfied” or “very satisfied.” Of the formal state mechanisms, the most positive responses come from the Small Claims Courts, courts of special jurisdiction tasked to resolve small money claims. Given their nature where parties tend to self-represent (though they may be advised by counsel) and submit their claims and defenses through structured forms as opposed to the more extensive (and laborious) pleadings of the regular courts processes, and an emphasis on speedy resolution, it may be the reason why 100% of respondents who went through Small Claims report high satisfaction with the process. At second place is the Barangay conciliation system (again, a process which emphasizes the official mediating between

the parties to achieve an agreed resolution), with 76% total being satisfied or greater. (p. 172 Chart 186)

In contrast, the rate of respondents satisfied with the regular court process is only 27% total, compared to 31% who are dissatisfied; the majority of 42% report being ambivalent (“maybe satisfied/maybe not”) about it. In last place were the specialized dispute agencies (e.g., NLRC, DARAB), where 100% of affected respondents answered that they were ambivalent about it. (p. 172 Chart 186)

Apart from the above, it also bears looking into the non-formal, alternative mechanisms of dispute resolution, which rely on family and friends, or traditional, community, and religious leaders. Respondents report 100% satisfaction or greater with traditional/IP and religious leaders, 86% for community leaders or organizations, and 82% when resolved through family and friends (p. 172 Chart 186). These rates hold higher than the regular courts and specialized dispute resolution by a large amount—though we again caution that, because of the individual nature of each respondent’s justiciable issue being resolved, one cannot immediately compare these results against each other absent contextualizing information.

Going back to the national aggregate, and then disaggregating for demographic categories, again at the top-level large majorities report satisfaction with the issue resolution process. Once broken down both geographically and sectorally, though, one begins to see discontent in the responses. In the Justice Zones, a large rate of LGBTQ+ respondents assess ambivalence about how their issue was handled; a similar large rate of PWD respondents report not being satisfied, and more minorities in general remain either ambivalent or dissatisfied about their resolution compared to those satisfied (p. 174 Chart 189). Self-ascribed minorities and the LGBTQ+ respondents in the 3 poorest provinces are more or less evenly divided among satisfied, dissatisfied, and very dissatisfied. (p. 175 Chart 190)

When asked whether the process or mechanism was fair to them, to the other party, to both, or neither (a question distinct from the earlier question as to whether the result of the process was deemed favorable or not to the respondent), at the per-mechanism breakdown the respondents’ answers followed similar lines to that of their earlier answer to their satisfaction over the process. Namely: the mechanisms where majority deemed the process satisfactory were also mechanisms which majority also deemed fair to both parties (e.g., parties agree, the informal third-party mechanisms, Barangay justice system, and the small claims court). The regular court process, which the respondents were ambivalent about, tended to divide evenly between fair-to-both and fair-to-the-other-party (39%/41%), while “fair to the respondent” garnered the balance. The most disfavored mechanisms, the specialized agencies, also unanimously garnered “fair to the other party” responses from those who underwent it. (p. 177 Chart 192)

Taken at the geographic breakdown, majority would hold that the process was fair to both parties, even at the 3 poorest provinces level. The same would hold true demographically, except for LGBTQ+ populations, which at the national level the 33%

who reported “fair to both parties” was matched by the same percentage who reported that it was not fair to anyone at all. (pp. 177-178, Charts 193-194) However, it was clear from the results that within the Justice Zones, all the LGBTQ+ respondents assessed the mechanisms they encountered as “fair to both parties” compared to the self-ascribed minorities, or the PWDs of whom 95% of the respondents concerned gave the “Fair to the other party” response. (p. 181 Chart 196)

At the 3 poorest provinces level, the discrepancy between “fair to both parties” and the other responses narrows down compared to the ratio at the national level. In particular, the sectoral groups (minority and LGBTQ+) report “fair to both parties” and “fair to the other party” equally (36% both), with “not fair at all” making up the remaining 29% (p. 182 Chart 197). Notably, “not fair at all” responses average higher within the 3 poorest provinces’ sectoral groups compared to the national average—though a large 34% of affected LGBTQs nationally responded with “not fair at all.” (p. 180 Chart 195)

## 2.7. COSTS OF ISSUE RESOLUTION

Time, financial cost, and stress were the markers by which the Survey would account for respondents’ perception of the toll resolving their justiciable issue had taken. Of the three, speed was a marker more easily questioned, more readily ascertained (though again, the individuality of the issues and the respondents does not make comparisons or generalizations easy). At the national level, majority would find the mechanisms as “just right” or “fast” (p. 183 Chart 198), with the fastest mechanisms being those who resorting to traditional, tribal, or religious leaders, and the slowest being through the specialized government agencies. As for the other mechanisms such as the courts, the distribution of responses tends to reflect the national average. That same national distribution is observed at the geographic breakdown, whether regional, Justice Zones, or 3 poorest provinces. If anything, the Lanao del Sur and CamNorte respondents were the ones who more heavily responded that the mechanisms were “slow” compared to “fast” or “just right,” and even then, such response constituted less than half of the responses. (p. 184 Chart 200)

Within the Justice Zones, it was Quezon City that had the heaviest of the percentage of respondents answering “slow” (p. 184 Chart 200), and even then at 33%, almost pulling even with “just right” (at 37%). Cebu, Davao, and Naga would have the least number of respondents complaining that the mechanisms were slow; Naga, Angeles, and Bacolod in contrast would have the heaviest percentages responding “just right,” and Cebu and Davao as “fast”—in all cases the percentage of respondents concerned were over 40%.

And demographically, most respondents would answer “fast” or “just right” as well (p. 185 Chart 201), although at the 3 poorest provinces level those who responded “slow” would carry larger shares (and a heavy majority of minority and LGBTQ+ respondents would indeed answer “slow”). (p. 188 Chart 204) Curiously in the Justice Zones, more respondents who attained only elementary school education, *and* those who managed to reach college/post-grad, would find the mechanisms slow compared to fast or just

right. And a surprisingly large percentage of PWD respondents in the Justice Zones would assess the mechanisms as “slow.” (p. 187 Chart 203).

Costs, assessed nationally, found 52% of respondents reporting that they found resolving their issues as “not expensive.” That has to be taken against the various mechanisms being engaged to resolve or adjudicate the issue, however.

Against the bromide that going to court can be expensive, 56% of respondents nationally would answer instead that they found such costs as “just right,” with 38% answering that it was somewhat or too expensive. Curiously, the respondents who engaged the small claims courts, which were meant to provide an inexpensive and speedy means for people to resolve their small money claims, unanimously found their costs to be really expensive. The same holds true of those who went through specialized government agencies. And the data suggests that if the 56% of national respondents found resolving their issues was inexpensive, most of the time it was because of amicable agreement or unilateral concession by either party, attempting to avoid the problem or let it die out, or at best, through the Barangay justice system. (p. 190 Chart 206)

While at the geographic level one would find larger proportions of the respondents from the 3 poorest provinces finding their costs to be expensive (38% on average), a larger percentage holds such costs as to be just right or inexpensive. (p. 191 Chart 207) Although, when one breaks down that provincial data demographically, larger proportions of those with the lowest educational attainment and minority/sectoral groups would assess their costs as expensive (p. 195 Chart 211). That can be compared against the same demographics in the Justice Zones where the reverse is true: they would find their costs just right or inexpensive. (p. 194 Chart 210)

The Survey found that respondents would heavily cost out their issue resolutions from personal accounts (90% nationally), with small percentages admitting to finding support from family, friends, and from loans and grants (p. 214 Chart 232). From the sectoral perspective, though, only 54% of self-ascribed minorities in the Justice Zones answered that they used personal money (p. 216 Chart 236), compared to the same demographic nationally or at the 3 poorest provinces level (p. 216 Chart 235; p. 217 Chart 237).

When the Survey asked next if finding the funds to continue resolving their issue became a problem though, generally a runaway majority nationally and in all geographic divisions and demographic categories, save a scant few groupings, found the task to be very difficult. (pp. 218-222, Charts 238-242) Understandably, a greater proportion of the older and more educated demographics would report some ease in finding the funds, reflecting the higher income and saved wealth inherent in these demographics. Minorities and sectoral groups nationally would heavily, even near-unanimously declare that they had a difficult time—except, for some reason, LGBTQ+ in the Justice Zones who surprisingly found the funds easy to accrue (and even self-ascribed minorities to some extent) (p. 221 Chart 241).



Finally, majority of the respondents, regardless of geographic or demographic breakdown, reported experiencing stress due to dealing with their justiciable issue. (pp. 261 to 264, Charts 290 to 294) The only stray counter-trend here would be from the LGBTQ+ respondents in the Justice Zones. Conversely, only a minority of respondents nationally and by grouping would respond that they experienced financial loss from their justiciable issue, the heaviest being from Angeles City and Lanao del Sur geographically (pp. 265-268, Charts 295-299). Again, the only stray result comes from PWDs in the Justice Zones, majority of whom reported experiencing financial loss.

## 2.8. TRUST IN THE JUSTICE SECTOR

As noted in the Survey, of the professions involved in the justice sector, religious leaders (priests, imams, and pastors) garnered the highest trust ratings, followed by PAO lawyers. Then private lawyers, judges, prosecutors, the police, and BUCOR/BJMP personnel trailing (but even for them, SWS would score them with “moderate trust” ratings). (p. 384)

When broken down geographically and demographically, interesting observations arise. First, a greater rate of Lanao del Sur respondents compared to other geographic areas would register greater distrust of religious leaders, PAO and private lawyers, judges, and police (p. 387 Chart 415, p. 392 Chart 420; p. 396 Chart 425; p. 402 Chart 431; p. 414 Chart 443). Demographically, the distribution of responses reflects the national average, with the greater proportion of distrust more heavily registering in the 3 poorest provinces. (pp. 386-426, Charts 414-457)

Equally critical is the data on trust in institutions of justice (the formal mechanisms). As the SWS assessed, the PAO was the most trusted of the institutions, closely followed by the Barangay and city/town LGUs, then the police, national government, the Supreme Court, DILG, DOJ, trial courts, the IBP, and BJMP/Bucor in descending order (p. 427).

Geographically, there is once more the observation that Lanao del Sur respondents tend to have less trust for these institutions compared to their brethren elsewhere. Otherwise, the general trend when the data is broken down geographically or demographically is to more or less reflect the national rate.

But it is in cross-comparisons between the national rate and the average Justice Zones rate prove that should prove to be the most instructive for assessing GoJUST. Granted though, that the Justice Needs Survey was a first-of for the Philippine justice system, and the GoJUST program only beginning to gather steam, means that dramatic differences are not generally expected. Still, though, the breakdown in net trust rating nationally/Justice Zones average is presented as follows (excepting the National Government):

### **Trust Ratings in Justice Institutions, JNS**

	National	JZ	Poorest
PAO	58	57	28

Bgy	50	52	32
City	52	56	31
PNP	47	40	29
SC	41	48	27
DILG	43	44	26
DOJ	41	49	26
Trial	40	40	24
IBP	42	42	23
BJMP	32	29	23
Bucor	29	29	21

(legend: PAO = Public Attorney's Office, Bgy = Barangay LGU, City = City/Town LGU, PNP = Philippine National Police, SC = Supreme Court, DILG = Department of Interior and Local Government; DOJ = Department of Justice, Trial = Trial Court (MTC/RTC level), IBP = Integrated Bar of the Philippines, BJMP = Bureau of Jail Management and Penology, Bucor = Bureau of Corrections; JZ = Justice Zones; Poorest = 3 poorest provinces)

It is immediately apprehensible that for all justice sector institutions except for PNP, trial courts, IBP, and BJMP/Bucor (and arguably PAO and DILG given the +/- 1 spread), trust ratings in the Justice Zones are higher than the national average. Generally, all ratings are higher than those garnered within the 3 poorest provinces.

With respect to sectoral group breakdowns, the comparisons become even more pronounced, however:

***Trust Ratings in Justice Institutions, by Sectoral Group, JNS***

	Min-Nat	Min-JZ	Min-Poor	LG-Nat	LG-JZ	LG-Poor
PAO	59	80	74	61	65	59
Bgy	51	67	66	25	62	57
City	61	62	56	39	63	50
PNP	48	38	40	32	40	24
SC	39	67	73	21	47	57
DILG	57	62	60	48	33	52
DOJ	46	67	63	43	43	50
Trial	51	61	61	24	51	48
IBP	56	53	55	45	31	35
BJMP	47	28	36	40	0	17
Bucor	55	19	49	34	9	59

  

	IP-Nat	IP-JZ	IP-Poor	PWD-Nat	PWD-JZ	PWD-Poor
PAO	55	100	85	73	95	100
Bgy	56	80	70	70	68	100
City	63	80	55	97	43	100

PNP	52	100	45	64	-25	100
SC	46	96	85	47	84	100
DILG	59	100	70	57	97	55
DOJ	47	100	70	27	94	100
Trial	61	80	67	57	66	100
IBP	60	83	76	65	66	55
BJMP	47	100	45	64	27	100
Bucor	55	50	30	70	16	100

*(legend: Min = self-ascribed minorities, LG = LGBTQ+; IP = indigenous peoples; PWD = Persons with Disabilities; -Nat = (sectoral)-National; -JZ = (sectoral)-Justice Zones; -Poor = (sectoral)-3 poorest provinces)*

When comparing against sectoral group nationally versus sectoral group within the Justice Zones, the Justice Zone respondents report greater trust in the institutions concerned compared to their counterparts elsewhere (except for the PNP, IBP and Bucor/BJMP among self-ascribed minorities; DILG, DOJ, IBP, and Bucor/BJMP among LGBTQ+, Bucor among IPs, and PNP, arguably IBP, and BJMP/Bucor among PWDs). At the 3 poorest provinces level, interestingly their reported trust ratings, on average, track almost closely with the Justice Zone ratings, apart from a contrarian result: PWD respondents in the 3 poorest provinces highly trust these institutions save the DILG and IBP.

## 2.9. DISCUSSION AND CONCLUSION

A survey by its nature can only capture a snapshot, a bordered picture of the phenomenon at hand. The limited time with which to gather much data from a large population sample necessarily means that the questions asked are direct, with little regard if any to individual context of the respondents. To reiterate, a person's justiciable issue and experience in resolving it can be highly personal, which makes comparison among the respondents' answers fraught with context being overlooked. As the Justice Needs Survey is a first-of-its-kind in the country, it also places historical comparison out of the picture for this analysis. At best, what follows can only offer correlation, but not causation.

Still, the observations presented above do indicate some trends extrapolatable to the general population. Certainly, there is an evenness in the need for justice services countrywide, quantitatively speaking (without delving into the geographic or demographic distribution of the kinds of justiciable issues people face). And of those issues, again quantitatively speaking, it seems that mundane or course-of-life issues, particularly domestic economic or financial issues and neighborly spats, account for a lot these issues (though again, not outnumbering the totality of other issues being faced, including more serious ones involving crime or violence).

In looking at the responses to both institutional/personal trust in institutions and personalities of justice, and the observed behavior of the respondents, there is a strong

preference for involving the Barangay justice system, if not trying to hash out the matter privately between the parties or resorting to informal mechanisms like religious and traditional leaders. While from a procedural perspective, this is to be expected as Barangay conciliation is a mandatory part of many low-level civil and criminal trials, this behavior may also reflect the high trust barangay LGUs enjoy from the respondents. The same holds true for PAO lawyers vis-à-vis private lawyers, and with the small claims courts (apart from a perceived high expense, but this may be relative to the amounts being recovered by the successful party). Conversely, the respondents (and likely the population) have ambivalent views about the regular trial courts, and hold a uniformly dim view of the specialized dispute resolution agencies.

Certainly, poverty and sectoral marginalization have an impact on the experience of justice and the resulting trust the groups would place in its institutions, but that experience can be surprisingly uneven. As noted, LGTBQ respondents took more to internet sources of information, and preferred family members assisting them versus LGU officials, which can be accounted for by the innate experience of LGTBQ+s being isolated from the mainstream—but again, in the 3 poorest provinces, the Barangay official was the resort more reported by the sectoral respondents. Also within the same group, LGTBQ+ respondents also tended to turn to the Barangay justice system to satisfactorily resolve their issue.

One of the more interestingly consistent patterns observed was that for many of the questions asked by the Survey, the Lanao del Sur respondents would tend to answer more negatively than their compatriots elsewhere, even among the 3 poorest provinces: greater distrust, greater dissatisfaction. Another is that PWD responses may seem out of step both with other sectoral groups, and with other demographic groups in general. The 100% trust rating for majority of the justice institutions certainly stands out, and it certainly does not match at first sight with certain PWD assessments such as the process being “slow”, that it was “fair only to the other party,” or that the problem still persists despite resolution. Again, a survey can answer the most immediate questions; deeper answers will require context.

As to whether the GoJUST I program has any impact in the delivery of justice services as perceived by the population, or for that matter whether the Justice Needs Survey can serve as a methodology to assess such impacts, it is too early to tell. The higher trust in justice institutions in the Justice Zones compared to the rest of the country may be an early indicator of success, but there is little organized historical data to establish a trend over time—again, the Survey being a first-of. (And there is the quirk of the trust ratings in the 3 poorest provinces paralleling the ratings in the Justice Zones, too: what accounts for it if GoJUST was not operating in these areas?)

Nonetheless, at a quantitative level, the Survey has demonstrated a capacity to capture the immediate justice needs and perspectives of the population, albeit at an aggregate level (again, justice needs in the end being highly personal in nature and experience). The structure of questions especially has the means to ascertain popular satisfaction with the delivery of justice services, by capturing and recording their experience of

resolving their justiciable issue, their means of doing so (and whether they resort to formal mechanisms), and their satisfaction with the process and the resulting trust in the institutions of justice. All these point to the four Key Results Areas of the Program, especially Result 4, that justice policy and practice is informed by evidence and is responsive to justice needs.

Because the experience of justice is personal, though, this aggregate quantitative appreciation represented by the Justice Needs Survey needs balancing with a more intimate study that can appreciate the personal. Thus, the following section presents a qualitative, focus group-driven study of justice needs, especially among the sectoral and marginalized groups (not all of which were adequately captured by the Survey, for that matter), that is the counterpart of the Survey, and presented the proverbial other side of the coin.

### **3. QUALITATIVE SYNTHESIS: PRESENTATION OF THE DISADVANTAGED GROUPS STUDY**

#### **3.1 CONTEXT**

The Supreme Court initiated programs intended to make justice more accessible to the poor and disadvantaged sectors, such as the Justice on Wheels (JOW) mobile court system, Alternative Dispute Resolution mechanisms through conciliation or mediation, the creation of the Small Claims Court and the Judiciary Case Management System. These have made noteworthy strides towards judicial efficiency in addressing the congestion of court dockets, and the case disposal rates of first level courts. The Court recognizes that delay in adjudication of cases erodes peoples' trust in the judicial system; and that this delay is skewed unfavorably against poor and vulnerable groups. The 2017 Governance and Justice Sector Reform Program report emphasizes: "Delays in the delivery of justice impact disproportionately on the poor in terms of prolonged unemployment and income foregone as a result of detention, since the majority of detainees are poor, marginalized, and underprivileged. Delays in criminal proceedings, weak capacity, lack of coordination, and jail overcrowding undermine the criminal justice system in the Philippines."

Inaccessibility of justice can easily be shown through geographical isolation. Thus, the influence and strength of the Rule of Law can be expected to be strong in areas where all institutions implementing the objectives of Rule of Law and access to justice are present and functional. But for far-flung, geographically isolated and disadvantaged areas (GIDA), the absence of judicial infrastructure is a major barrier for the poor to access judicial services, and thus are underserved.

In developing reforms, Chief Justice Artemio Panganiban emphasized the need for the High Court to address Access to Justice, Corruption, Integrity and Delay (ACID).<sup>5</sup> Under Chief Justice Panganiban's term, incentives were proposed for lawyers or firms who would handle pro-bono cases. Chief Justice Reynato S. Puno, on the other hand, underscored that "the greatest enemy of the poor litigant is slow motion justice."<sup>6</sup> The Guatemalan justice program meant to "bring justice closer to the poor, by providing a fast and free resolution of conflicts through conciliation, mediation or adjudication" became the model for Chief Justice Davide's Action Program for Judicial Reform (APJR), which envisioned "the creation of special courts for the poor and disadvantaged."<sup>7</sup> It would be the seed that articulated the High Court's focus on the underserved. In 2004, the High Court began implementing the Justice on Wheels (JOW) project to get to where justice needed to be served.

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<sup>5</sup> Newsbreak, Artemio Panganiban: Exceeding Expectations, (2006), <http://Archives.Newsbreakknowledge.Ph/2006/11/22/Artemio-Panganiban-Exceeding-Expectations-2/>

<sup>6</sup> Reynato S. Puno, <http://www.bjmp.gov.ph/files/PDLs-chief%20justice%20puno.pdf>

<sup>7</sup> Adolfo S. Azcuna, The Justice on Wheels of the Philippines, (2005), <http://ww3.lawschool.cornell.edu/avondocuments/20081228-philippines-atj-001.pdf>

A cursory view of these programs would show that, by and large, the High Court addressed access to justice of the poor and marginalized through focusing on making the judicial processes more efficient and geographically closer by addressing delay of adjudication and ensuring the decongestion of the different court dockets.

### 3.2. STUDY DESIGN

This qualitative study assumes that while the State has existing judicial mechanisms meant to serve the whole-of society, the most marginalized and the poorest of the poor are the least likely to access and benefit from these mechanisms.

Intending to supplement the Justice Needs Survey, the qualitative study aims to provide the contexts and needs of disadvantaged groups, particularly, to inform the design of Result 3 of the GOJUST II program and as initial bases for recommendations for Result 4.

*Objective:*

***Nuanced insights into justice problems faced by disadvantaged groups.***

For purposes of this study, disadvantaged groups are understood to be “persons that experience a higher risk of poverty, social exclusion, discrimination and violence than the general population, including, but not limited to, ethnic minorities, migrants, people with disabilities, isolated elderly people and children.”

This study invited the participation of the following disadvantaged groups:

- Indigenous peoples
- Rural workers and rural populations (farmers, fisherfolk, upland communities)
- Children and youth
- Women and LGBTQI+
- Urban poor
- Persons With Disabilities (PWD)

The selection of participants was intended to be conducted by **purposive sampling**, particularly **critical case sampling**<sup>8</sup> or the collection of data from cases that will provide the most information on access to justice experiences of disadvantaged groups. Critical case sampling is particularly relevant where time and resources may limit the conduct of the study to a representative site. **A limitation of the sampling is that it cannot permit for a broad generalization of all possible cases.** As a strategy, however, it is an assumption that the particular site or community will yield the most information and have the better impact on the development of knowledge.

The selection was further guided by the following criteria:

- Have engaged the legal system
- Have sought justice

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<sup>8</sup> Patton, M. (1990). *Qualitative evaluation and research methods*. Beverly Hills, CA: Sage.

- Have or had faced rights issues / violations

While there are specific disadvantaged groups identified, the conduct of the data gathering and analysis was alert and attuned to the intersectionalities of social categorizations that each group and particular participants possess<sup>9</sup> (e.g. young indigenous woman, migrant urban poor worker, youth with disability, Muslim LBTGQI+, etc.).

Key Informant Interviews (KII) and Focused Group Discussions (FGD) were the primary modes of data gathering, and conducted according to the following parameters:

#### Focused Group Discussion

- Each FGD was composed of 4-5 participants

#### Key Informant Interview

- The Key Informant was identified according to capacity to proxy for his/her/their group or organization (based on knowledge, memory and role).
- Each group, when practicable, had one to two (2) Key Informants, and of particular representation: 1) key position/leadership role 2) women and 3) youth.

The conduct of the study was founded on the observance of the following ethical principles:

- *Participation of respondents premised on the principle of Free Prior and Informed Consent.* Full consent of the participants was obtained prior to the study, and they were informed of the purposes and applications of the research.
- *Beneficence.* Also understood as the No Harm Principle, where the conduct of the study is weighed in favor to the participant's benefit, thus security considerations are given priority—observance of utmost care for confidentiality and due diligence in preparing the sessions.
- *Voluntary.* Participants have the right to withdraw from the study at any point of their participation should they wish to do so, and are encouraged to give their feedback on the process.

In the research design, the logistics and mechanics of the conduct of the data gathering was anticipated to be varied, largely depending on the conditions on the ground e.g. COVID19-related protocols and security issues. In instances where the research team would be able to travel and conduct fieldwork, the data gathering was on-site and face-to-face. Where there are restrictions, data gathering was conducted online. Particular

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<sup>9</sup> Klar, S. and Leeper, T.J. (2019). Identities and Intersectionality: A Case for Purposive Sampling in Survey-Experimental Research. In *Experimental Methods in Survey Research* (eds P. Lavrakas, M. Traugott, C. Kennedy, A. Holbrook, E. de Leeuw and B. West).



consideration was anticipated given that the locations of disadvantaged groups, particularly rural and coastal communities (characterized as Geographically Isolated and Disadvantaged Areas), would likely lack communication infrastructures and will require them to travel somewhere to find an alternative venue to access online platform(s).

IDEALS was commissioned to recruit participants according to the qualifications indicated, and organized the logistics of the data gathering. It is mainly recruited from its existing network. Participant's consent was documented in either consent forms or through audio recording. Ultimately, the interviews and group discussions were conducted wholly online.

The conduct of the qualitative study was not without its challenges and limitations. Particular to the sampling, critical case sampling cannot permit for a broad generalization of all possible cases. Moreover, the sampling was largely recruited through a particular network. This was, however, mediated through the invitation of notable individuals not familiar to the network. Overall, the conduct was tempered by health protocols; for convenience and safety it was conducted wholly online. While some familiarity with online mode of communication have been acquired by the participants, an agility imposed by the pandemic conditions, the rapport and capturing of nuances that are afforded with more facility in a face-to-face encounter may not have been fully achieved.

### 3.3. SUMMARY OF FINDINGS

As a qualitative research undertaking, the presentation of findings is not independent of the researcher(s), the “indissoluble interrelationship between interpreter and interpretation”<sup>10</sup> requires the understanding and caution that the text is a representation, a version of the truth—chosen excerpts, and that it is discursive. To temper this, direct quotations are presented herein to amplify the voices of the participants. The structure of the statements is retained except for minimal editing for brevity and clarity.

A total of eleven key informant interviews and seven focused group discussions were conducted. Of the participants, 24 identified as female, four as LGBTQIA, and 20 as male. The data gathering was conducted within a two-month period.

#### *Data Collected*

*The following participated in the study:*

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<sup>10</sup> Thomas, G. & James, D. (2006). Reinventing grounded theory: some questions about theory, ground and discovery. *British Educational Research Journal*, 32(6), 767-795.

Sector	Location	Organization   Identification	Method
Children & Youth	Caloocan City	Center for Youth Advocacy and Networking, Inc. (CYAN PILIPINAS), Area Coordinator; Youth Resist, Co-convener, <b>female, youth</b>	KII
Children & Youth	Cebu	Mother of sexual assault survivor, <b>female</b>	FGD
Children & Youth	Cebu	Children's Legal Bureau, Social Worker, <b>female</b>	FGD
Children & Youth	Davao	Daughter of slain drug raid target, <b>female, youth</b>	FGD
Children & Youth	Davao	Kaugmaon for Children Rights and Social Development, Social Worker, <b>female</b>	FGD
Farmers, Fisherfolks, Upland Communities	(Did not disclose)	PAKISAMA National, (role was not disclosed), <b>male</b>	KII
Farmers, Fisherfolks, Upland Communities	Iloilo	Local Government Unit, CRM Officer Designate, <b>female</b>	KII
Farmers, Fisherfolks, Upland Communities	Palawan	Katutubong Tagbanua ng Mariwara (SKTM), Secretary, <b>female</b>	FGD
Farmers, Fisherfolks, Upland Communities	Quezon	Kilusan Para Sa Repormang Agraryo at Katarungang Panlipunan (KATARUNGAN), NGO worker and rural community	FGD

		organizer, <b>male</b>	
Farmers, Fisherfolks, Upland Communities	South Cotabato	Kilusang Mayo Uno (KMU), Community Member and Local Community Organizer, <b>male</b>	FGD
Farmers, Fisherfolks, Upland Communities	Palawan	Calategas Irrigators Association, <b>male</b>	FGD
Farmers, Fisherfolks, Upland Communities	Quezon	Kilusan Para Sa Repormang Agraryo at Katarungang Panlipunan (KATARUNGAN), community member, local community organizer, <b>male</b>	FGD
IP	North Cotabato	Kamal-Youth, member, <b>male, youth</b>	FGD 1
IP	North Cotabato	Kamal-Youth, member, <b>female, youth</b>	FGD 1
IP	Maguindanao	Teduray and Lambangian Youth and Students Association (TLYSA), member, <b>male, youth</b>	FGD 1
IP	Maguindanao	TLAMABANG, Chairperson, <b>male, youth</b>	FGD 1
IP	Maguindanao	Indigenous Women's Resource Center (IWRC), Board Member, <b>female</b>	FGD 1
IP	Maguindanao	Timuay Justice and Governance, Leader, <b>male</b>	FGD 1
IP	Tarlac	Sentrong Pagpapalakas ng Negritong Kultura	FGD 2

		at Kalikasan, Luzon Coordinator (SPNKK), <b>male</b>	
IP	Baguio	Baguio Ancestral Land Claimants Research and Advocacy Team (BALC); National Anti-Poverty Commission (NAPC) - IP Basic Sector (IPBS), <b>female</b>	FGD 2
IP	Quezon	ALAMID, Vice President, <b>male</b>	FGD 2
IP	Mindoro	SADIK-HABANAN, member, <b>male</b>	FGD 2
IP	NA	<b>female</b>	FGD 2
IP	Baguio	Cordillera People's Alliance (CPA), Chairperson, <b>male</b>	KII
IP	Metro Manila	ICCA Consortium (BUKLURAN Inc.), <b>male</b>	KII
PWD	Metro Manila	Angat Persons with Disabilities United, Inc., <b>female</b>	KII
PWD	Metro Manila	Differently Abled Women's Network, President, <b>female</b>	KII
PWD	Cebu	Convenor of Cebu Disability Inclusive Disaster Risk Reduction Network, Person with Disability Affairs Officer of Cordova, Vice President of the League of PDAOs of the Philippines, President of the Women with Disability	FGD

		Economic and Social Progress, <b>female</b>	
PWD	Mandaue City	CGX Crossstitches and Framing, <b>female</b>	FGD
PWD	Digos City	Working in City Special Program and Management Office for the PWD program under the Person with Disability Affairs Office, President of Digos City PWD advocates on workers with disability association, <b>male</b>	FGD
PWD	Davao del Sur	Barangay Councilor in Poblacion Malalag, Davao Del Sur and PDAO-designate officer in our municipality, Federation President of Persons With Disability here in Region XI, <b>male</b>	FGD
PWD	Muntinlupa City	Women with Disability in Barangay Poblacion, Chairperson; Angat PWD United, member; Kalipunan ng mga may Kapansan ng Muntinlupeno, member, <b>female</b>	FGD
Urban Poor	Sto. Tomas (did not indicate city or municipality)	Samahan ng Nagkakaisang Pamilyang Pantawid,	KII

		Coordinator (Parent Leader), <b>female</b>	
Urban Poor	Naga City	SALIGAN Bicol, Branch Coordinator, <b>male</b>	KII
Urban Poor	Naga City	Naga City Urban Poor Federation, President, Bicol Urban Poor Coordinating Council, President, <b>male</b>	FGD
Urban Poor	Muntinlupa City	Akbayan Party, member, Community organizer/leader, <b>female</b>	FGD
Urban Poor	Davao	Urban poor leader, <b>female</b>	FGD
Urban Poor	Muntinlupa City	Patrol Police Force Multipliers, Inc., member, <b>female</b>	FGD
Urban Poor	Naga City	Housing Board Committee of Naga City, Committee of Land Use, Naga Federation of Urban Poor, <b>male</b>	FGD
Urban Poor	Cebu City	Lihok Pilipina Foundation, Officer In Charge, <b>female</b>	FGD
Urban Poor	Tagum City	Partido Manggagawa, Organizer, <b>male</b>	FGD
Women & LGBTQIA+	Metro Manila	Babaylanes, Senior Programs Officer, <b>LGBTQIA+, youth</b>	KII
Women & LGBTQIA+	Metro Manila	Women's Legal and Human Rights Bureau (WLB), Executive Director, <b>female</b>	KII

Women & LGBTQIA+	Naga City	President, Strella LGBTQIA Federation of Naga City, <b>LGBTQIA+</b>	FGD
Women & LGBTQIA+	Naga City	LGBTQIA+Naga City Federation, Cher Ami MGB International, SLB LGBTQIA+Bicol Region, External Vice Preseident, <b>LGBTQIQ</b>	FGD
Women & LGBTQIA+	(Did not disclose)	Voice for Sexual Rights (VSR), <b>LGBTQIA+, youth</b>	FGD
Women & LGBTQIA+	(Did not disclose)	Voice for Sexual Rights (VSR), <b>female</b>	FGD
Women & LGBTQIA+	Cebu City	Pilipina Foundation, <b>female</b>	FGD

### 3.3.1. Notions of Justice

The participants' notion of justice contemplates the broader idea of social justice that encompasses their participation in development and living lives with dignity, a concept of justice goes beyond the controversies lodged with the courts.

- *Yung konsepto sa akin ng hustisya ay may (pag)kilala sa karapatang pantao at demokrasya. Meaning kapag nawala yung dalawang ito, nawawala rin yung esensya ng hustisya. – Youth*
- *Yung pag-appreciate ko sa justice ay kapag may isang kabataan na hindi nakakakain ng tatlong beses sa isang araw, nawawalan ito ng hustisya. Kapag meron isang kabataan yoong nagbabahagi lamang ng kanyang opinyon pero tina-tag as isang terorista, nawawalan din siya ng justice. At panghuli, kapag may isang kabataan din yung gustong makapag-aral pero di makapag-aral, nawawala rin yung hustisya nito. – Youth*
- *Kung hindi natin nabigyan ng hustisya, hindi mo maaabot ang karapatan ng indibidwal o malakihang grupo. Kaya para sa akin ang hustisya ay karapatan na kailangan isulong na nararapat para marating ang hustisya. – Indigenous person*

- *Yung ang hustisya sa tribo ay yung ang [...] pag co-correct ng historical injustices na ginawa. [...] Makakamit mo lang yung justice pag naitama na yung injustice na nangyari sa mga indigenous peoples nung nakaraan. – Indigenous person*
- *Sa akin ang hustisya ay pagkakamit ng mga attributes na mga batayang kinakailangan ng isang tao para maging malaya, para maging maunlad, para magkaroon ng buhay na may dignidad. At iba't ibang aspeto yan eh — ekonomiya, panlipunan. – Peasant advocate*
- *Hindi ka tao kung hindi igagalang o hindi susundin ang hustisya. Ito yung batayan na nagkakaroon ng dignidad, mga karapatan, at maging masaya na mabuhay bilang tao... Kung walang hustisya, hindi ka itinuturing na tao. – Indigenous person*
- *Ang hustisya para sa akin ay makaluwag sa ginhawa. Para ba iyong hinanakit mo na na-ibuhos mo na, na-shout out mo na lahat lahat dahil masakit yung nangyari... – Child advocate*
- *For particular sectors such as indigenous peoples and close-knit communities, the notion of justice is envisaged collectivity—the whole of the community share, assert and seek justice for the benefit of the whole.*
- *Iyong pagkakaroon ng hustisya sa mga katutubong mamamayan (ay) bilang kolektibo... pagkilala sa aming kolektibong karapatan sa sariling pagpapasya. – Indigenous person*
- *Sa akin yung hustisya, lalo na yung mga mahihirap, ay can easily access yung mga basic services. Meron kang disenteng tirahan na malayo sa, walang threat of demolisyon at matutulog ka ng mahimbing na paggising mo ay walang nakaambang demolisyon. Pangalawa, yung employment at livelihood, yung access to health, yung access sa lahat ng basic services. At higit sa lahat, in terms of housing, ay pinakikinggan tayo. Yung ibig sabihin namin, sinusunod yung people's plan kung saan ang mga mahihirap, yung mga informal settlers, kasali sila sa negosasyon sa pagbibili ng lupa. - Urban poor*

Justice is regarded not only as a right of the individual but considers the full living landscapes:

- *Ang aming mga kaso ay tungkol po ng ating environment. At iyon po ang aming nakikita na kapag sinabi nating hustisya dapat matanggal yung piring doon sa tamang sistema at dapat mangibabaw ang tamang pagpapatakbo para sa ikakabuti po ng ating kalikasan. – Indigenous person*

Justice is equated with terms that denote equity, fairness and appropriateness—the rightful implementation of laws, respect for identities and cultures. To them, justice is



aspirational, rather than defining their realities. While many have engaged the judicial system, it is regarded as an insecure option that is perniciously riddled by corruption, an arena where the poor and the marginalized remain so and are at a disadvantage. Injustice is perceived not just from the violations they suffer, but also by what characterizes their experiences of asserting their rights through the courts—from delay in adjudication, to their experiences of inequities in the judicial process. The current situation as they see it erodes their trust and confidence in the ability of the justice system to address the violations of their rights. From this it may be surmised that judicial efficiency as envisioned by current programs instituted by the High Court will not always result in the dispensation of justice, if the existing laws in and of themselves fail to protect the rights of the poor and marginalized. It will just be an efficient way of carrying out unjust laws.

- *Ang justice system natin sa Pilipinas, (may batas). Kung sino ang may pera, yun ang may hustisya. Pero kung sino ang walang pera, walang hustisya...Bihira ka makakita ng kumakampo sa mga magsasaka at mga mahihirap. Dapat walang sinasanto ang batas. – Peasant*
- *Pagdating po sa proseso ay meron pong systema ng palakasan. Again, hindi na po ito bago. Pero kapag mayaman ka po, napakabilis ng iyong...ng kaso. Pero kapag ikaw po ay mahirap, kung hindi ka papatayin ay makakalimutan na lang yung kaso. Maiiwan na lang sa tabi. - Youth*
- *Ang hustisya parang nadoon lang sa may kaya, mapera. Yun lang po. Kasi nakikita po namin, kapag kaming mga maliliit na tao magfile ng kaso para sa pagproteksyon ng aming karapatan, ng aming environment, ang nangyayari kase, sa kabila ng aming pag sigasig na magfile, kami pa yung mababalikan na mga indibidwal kapag ka ganon yung ginagawa namin at yun po ay isa sa mga naging karanasan ko. – Peasant*

A youth advocate participant sums up a recurring proposal, that the fulfillment of justice is rooted in ensuring systems that enable and support human dignity and human rights, a society that engenders equality.

- *Iyong justice system natin over-all lang din yan sa kung ano pa talaga yung sitwasyon ng mga tao sa Pilipinas. Isa lang po siyang part kung paano pinapahalagahan yung mga tao [...] kung hindi pa rin tanggap yung karapatan ng kababaihan at pagrespeto sa karapatan ng mga kabataan, patuloy at patuloy pa rin [ang injustice]. So patuloy pa rin (ang) laban (para sa) equality, (tamang) sistema at pagkamit ng hustisya.*

### *3.3.2. Farmers, fisherfolks, upland communities*

Farmers, fisherfolks, and upland communities, while sharing similar characteristics (of being economically, socially and politically challenged), are distinct sectoral groups.

What is salient in the participants' stories is their clamor for justice being largely founded on their right to resources—land for agriculture and water for fishing. It is important to differentiate their regard for these resources as sources of livelihood, as integral to their ways of life rather than primarily as capital.

Land reform was and continues to be regarded as an integral process to achieve equitable national development. The Philippine government underwent land reform attempts to reform land ownership in the country. Laws such as Comprehensive Agrarian Reform Program or CARP (Republic Act 6657) in 1988, and CARP-Extension with Reforms or CARPER (RA 9700) in 2009 were intended to realize this. The most important feature of reform was supposed to be the indefeasibility of awarded lands to farmer beneficiaries. However, land reform was mired with issues in implementation attributed to factors such as inadequacy of the laws that mandated it; policies that challenged its full implementation, technical and financial difficulties, and the continuing sway of landowners.<sup>11</sup> Transaction schemes afforded by the law allowed landlords to hold sway rather than for smallholder farmers to actually fulfill and maintain their landholdings.<sup>12</sup> With the CARPER formally ending in 2014, the government reported that 88% of the land covered by the program has been distributed with the assurance of its full implementation even after the expiry.<sup>13</sup> For many farmer-beneficiaries, it did not achieve the results they aspired for.<sup>14</sup>

Farmers have continued to ask for a better implementation of land reform and to secure their land rights. There have been reported tensions when farmers protest to assert their rights, which have escalated into violent confrontations with government forces. An emblematic case occurred in 1987 when farmers marching for land reforms were met by government security forces, resulting in the killing of 13 protesters.<sup>15</sup> More recently, agrarian reform beneficiaries and their supporters, totaling 87 persons, protesting through a *bungkalan* on a piece of contested land in Hacienda Tinang in Concepcion, Tarlac, were arrested.<sup>16</sup>

*Among the urgent concerns forwarded are:*

- Disregard of farmers' right to land
- Criminalization of farmers through SLAPP cases

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<sup>11</sup> Tadem, E.C. (2015). Philippine Agrarian Reform in the 21st Century. Land grabbing, conflict and agrarian-environmental transformations: perspectives from East and Southeast Asia, 5-6 June 2015, Chiang Mai University. Discussion Note No.2.; Gordoncillo, P.U. (2012). The Economic Effects of the Comprehensive Agrarian Reform Program in the Philippines. ISSAAS, 18(1), 76-86.

<sup>12</sup> Id.

<sup>13</sup> Official Gazette (2014). Q and A: The Comprehensive Agrarian Reform Program. Government of the Philippines.

<sup>14</sup> Dolan, R.E. (1991). Philippines: A Country Study. Washington, DC: Federal Research Division, Library of Congress.

<sup>15</sup> Pagulong, C.J. (2022, January 21). Timeline of Mendiola Massacre: 33 years and Counting. PhilStar Global. <https://www.philstar.com/headlines/2020/01/21/769389/timeline-mendiola-massacre-33-years-and-counting>

<sup>16</sup> PhilStar (2022, June 10). Farmers activists arrested in Tarlac 'bungkaln' set to undergo inquest proceedings. <https://www.philstar.com/headlines/2022/06/10/2187453/farmers-activists-arrested-tarlac-bungkalan-set-undergo-inquest-proceedings>

- Eviction of farmers from their lands and other forms of violence
- Lack of support services resulting to inability of farmers to maintain their lands
- Exploitative labor relations in the agriculture sector, particularly in relation to large plantations
- Complicated legal procedures
- Corruption
- Red-tagging

One of the focused group discussion (FGD) participants recounted the predicament of their barangay and peasant leader who remains in jail for the past eight years. Still pending in Court are the charges against him for carnapping, kidnapping, and frustrated homicide. He was assigned a counsel by the Public Attorneys Office (PAO). These charges all stem from the farmers group's assertion of their farming lands. A land development corporation drove some 300 farmers out of their lands. His group alleged that as a local barangay official he merely responded to ease the commotion. His arrest was a culmination of many events that illustrate farmers' lack of knowledge of, if not marginalization from, the processes of government: for one, the farmers were not aware that a trespassing case was filed against them, unaware of the summonses that were already issued. Nor were they aware that an agrarian case questioning their land retention was also filed against them with the Department of Agrarian Reform (DAR). As holders of Certificate of Land Ownership Award (CLOA), they alleged that they were not notified of the proceedings. Ultimately, their CLOAs were revoked and they lost their right to their lands. Overwhelmed by what they perceive as harassments, the farmers are in a quandary—*"Sinusunugan ng bahay, pinapaputukan sa gabi, binu-bulldozer ang pananim. So di ba, ang hirap sa bahagi ng mga tao na harapin yung ganyang napaka overwhelming na 'force of injustice,' sabihin nalang natin na ganon"* (FGD participant).

Another participant narrated the incident of a fellow farmer who had spoken against their local mayor for supporting the construction project of a corporation. He was red-tagged by the mayor and now faces 13 cases in the nature of strategic litigation against public participation (SLAPP) suits. These incidents are by no means isolated. There are documented cases of landlords employing coercive means to remove farmer-tenants with the cooperation of state security forces and local public authorities, leading to the farmers being incarcerated or killed. An upland community participant reported the gunning down of a community organizer by unidentified armed men. When he reported this to the authorities, he was dismissed—his report treated as mere hearsay.

These incidents raise the issue of the risks faced by farmers, a risk compounded by authorities' glaring lack of appreciation of the broader context of the issues they face, and at times authorities' collusion with landowners. The incidents illustrate the undermining of farmers' rights through complex procedures (for instance, a case they filed was dismissed by the Department of Justice on technicality). It also highlights the farmers' lack of access to information—the lack of knowledge of procedures (both legal and administrative), most of whom are dependent on support organizations that have limited human resource capacities. Consequently, "justice" is rendered ineffectual if not outrightly used against them, such that now it is the farmer's criminal case rather than

land rights that have taken the forefront as a legal controversy.

- *Anong mangyayari don sa magsasaka na yun? Pero ang ugat niyan ay yung usapin sa lupa. Ang main issue ngayon ay paano yung mga magsasakang napalayas, mahigit 300 magsasaka, di ba? Asan ang hustisya doon? Yung binabanggit natin ay yung kaso ni X na isang maliit na bahagi pero napakalaking usapin sa kanya bilang indibidwal na nakakulong siya, pero yung 300 na napalayas doon sa lupang kanilang sinasaka, ano ang hustisya para sa kanila? E halos nasemento na yung lupa. – Peasant advocate*

While land tenure remains the primary issue farmers confront, landlessness has also forced farmers to enter into other arrangements to secure their livelihood—leading to other issues from migration to farming employment. Of late, the issues that confront them may not necessarily be directly about land tenure alone. Farmers divested from their livelihood migrate to the cities, where often their rural marginalization simply transform to their new condition of being urban informal settlers. Those who are forced to find employment, often as farm workers, face harsh labor conditions and insecurity of employment. An employee of a multinational agro industrial corporation told his story of filing a case with the National Labor Relations Commission (NLRC) for what he termed as “illegal retrenchment.” Through his membership in a labor organization, they filed 32 cases of which only one became successful.

- *Kalimitan kasi sa nangyayari sa mga uring manggagawa, pag dating don sa litigation ng kaso, meron nang kaso na na-file, doon palang sa NLRC level, wala na tayong magawa kasi binabayaran na yung mga arbiter dyan kaya natatalo... naka-payroll don sa company... natalo kami although yung mga ebidensya namin is punto por punto at saka klaro talaga... So para sa amin, iyong equal protection at tsaka yung tinatawag na right to be heard. [inaudible] yun sana mga mapatupad nang mabuti, hindi yung may kinikilingan. Yun ang sentimento dito sa mga tao. – Farm laborer*

The slow progress of their cases and their losses are perceived as tainted with corruption—the influence of or pressure from large corporations. However, what is also apparent is that despite this they continue to seek redress and engage both administrative and judicial processes (with intentions to file appeals and seek other avenues for redress if need be).

The anxiety over reprisals remained an ever-present specter in claiming justice:

- *Kasi nakikita po namin, kapag kaming mga maliliit na tao mag-file ng kaso para sa pagproteksyon ng aming karapatan, ng aming environment, ang nangyayari kasi... sa kabila ng aming pag sigasig na mag-file, kami pa yung mababalikan na mga indibidwal kapag ganoon... at yun po ay isa sa mga naging karanasan ko. – Indigenous person, upland community*

The challenges faced by farmers and upland communities find analogous equivalents in

fisherfolk communities, where their assertion of rights is predicated on their need for a source of livelihood: members of fishing communities find themselves needing to assert against corporate interest that ply and fish in their traditional fishing grounds.

- *Yung ating mga mangingisda ay d'yan lang umaasa talaga sa tubig dagat sa kanilang municipal waters, yung mga malilit na mangingisda. So, kung itong municipal waters mismo ay pinapasok ng mga malalaking pangisdaan o malalaking mga tao ay nade-deprive sila sa kanilang access at sa kanilang livelihood mismo so yun yung kanilang isang malaking problema talaga na mga mangingisda.* – Coastal Resource Management Officer

Intending to address the issues that entangle resource degradation and poverty among municipal fishers, Republic Act 8550 governs Philippine fisheries, supplemented by the Fisheries Administrative Order 196, which creates the bodies at the local level to manage municipal water resources. According to a key informant, ensuring the community fishing rights largely depends on actual government support. In the case of her local community, there often is little to no support given to fisherfolks, nor is there in fact any actual government position dedicated to ensure the legal rights of fisherfolks—

- *Yung mga munisipyo wala talagang legal officer. Kahit na nga yung Municipal Environment and Natural Resource Management Officer (MENRO) sa munisipyo hindi naman yun mandatory position.* – CRM Officer

This lack of support and the habitual neglect of local and national government of their issues render small fishing communities disempowered and without recourse, which discourage justice-seeking behavior.

- *Dahil they are not empowered, so yun, parang nade-deprive sila ng access to justice. Minsan tahimik na lang sila kahit na masakit man, tanggapin nalang nila kase wala silang access. They don't have a way kung paano ma-access yung justice na yun.* – CRM officer

**Summary of issues and resolutions confronting farmers, fisherfolk, and upland communities**

Typology of cases	Support
<ul style="list-style-type: none"> <li>● Trespassing</li> <li>● Homicide</li> <li>● Kidnapping</li> <li>● SLAPP</li> </ul>	<ul style="list-style-type: none"> <li>● Farmers organizations</li> <li>● Labor union</li> <li>● Farmers network organization</li> <li>● NGOs</li> </ul>
	Institutions Engaged
	<ul style="list-style-type: none"> <li>● DAR</li> <li>● NLRC</li> <li>● DENR</li> </ul>

	<ul style="list-style-type: none"><li>● PAO</li><li>● LGU</li></ul>
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### 3.3.3. Indigenous Peoples

The Indigenous Peoples Rights Act (IPRA), passed in 1997, is regarded as a landmark legislation that was to finally recognize and correct the historical marginalization of indigenous peoples in the Philippines. Internationally, it was considered novel and innovative, one of the first of its kind. At its core is the intention to respect, promote and protect the rights of indigenous peoples (IPs) or indigenous cultural communities (ICCs) through, among others, tenurial security with the issuance of Certificate of Ancestral Domains Title or CADTs and the Certificate of Ancestral Land Titles or CALTs. IPRA was informed by evolving jurisprudence on land and cultural rights, emerging frameworks on indigenous rights recognition in various United Nations declarations and permanent fora, and contextualized after the epiphanies of the post EDSA Revolution Constitution that recognized the importance of social justice and democracy.

After more than two decades of IPRA's implementation, the challenges it intended to address continue to plague indigenous peoples. Participants of the study all report increasing pressures, if not outright threats, to indigenous peoples communities. It is their collective conclusion that despite their aspirations of predicating their legal rights on IPRA, long-standing issues persist. Among these are:

- Undermining of right to self-determination, further challenged by resource exploiting projects (e.g. mining, agro industrial plantations, energy, etc.)—*“development aggression”* (Key Informant or KII)
- Disregard of indigenous political systems, customary law, and life ways
- Increasing red-tagging of indigenous leaders asserting their rights
- Criminalization of IPs
- Displacement and threats resulting from conflict (especially in Mindanao)
- Slow processing and issuance of CADTs
- Conflicting, unclear, and uncoordinated policies
- Weak observance of free prior informed consent requirement (FPIC)
- Lack of social services
- Lack of recognition of indigenous peoples rights, particularly for Non-Moro IPs (NMIP) in the Bangsamoro Autonomous Region of Muslim Mindanao (BARMM) (IPs are advocating for the passing of a meaningful NMIP Code).
- *Imbis nga access to justice, historical denial or historical in-access to justice. Kaya at iyong rule of law, imbis na ito yung manaig ay yung batas ay nagagamit mismo sa paglabag o di pagkilala sa mga karapatan no ng kultura ng mga katutubo at masaklap pa, gumagawa ng batas o ang ligal na sistema na higit pang mapang api sa mga katutubo. - KII*

Indigenous communities exemplify communities in geographically isolated and

disadvantaged areas, their ancestral domains typically being located in remote and inaccessible parts of the country. It is this remoteness that makes the delivery of services difficult, and the general awareness of their issues muted and easily rendered invisible. It is, however, the *character* of their lands that often bring them in conflict with corporate and state interests. Their areas typify resource-rich locales, the prime sources for minerals and fertile lands for agricultural ventures such that their assertion for land rights takes on the complexion of protection of the environment,

- *...kasama dapat doon yung matatawag na natin kapag hustisya (a)ng ating environment. Patas at balanse po na sistema na makamtam dapat ng ating kalikasan, na hindi siya dapat nasisira kasi kadalasan po yung aming naging karanasan dito. – FGD*
- *Our notion (of justice) cannot be separated from the notion of environmental protection. If you separate this, wala tayong mapag-uusapan na hustisya. – KII*

While IPRA is the foundational law utilized by indigenous peoples when they assert their rights and seek recourse with the courts, they are acutely aware of its limitations and its challenges—the very implementation of the law, the lack of the court’s familiarity with the law, and the lukewarm if not antagonistic stance of the National Commission on Indigenous Peoples (NCIP). IPRA’s important provisions on the requirement of the Free Prior and Informed Consent (FPIC) continue to be challenged when communities assert their rights. There have been numerous reports of fraudulent acquisition of FPIC (e.g. attendance sheets submitted as part of consent documents). Government institutions often regard FPIC as a mere consultation requirement rather than a requirement for consent.

- *Even without the consent from the communities pumapasok sila dahil ang concept ng development ng government ay resource-based ang mga yan. They don’t look at it as communities or mga areas where communities have been conserving them for centuries. The state looks at it as a resource base for extraction. - KII*

The support of government institutions is inconsistent and conflicting, particularly that of the NCIP. Its authority is inconsistently recognized, often supplanted by other executive bodies (e.g. the Department of Environment and Natural Resources “ignoring” a certificate issued by the NCIP in favor of an agro-industrial agreement). Thus, controversies that could have been settled through the Commission are brought to the courts. This is especially an urgent concern as most legal challenges faced by indigenous communities involve environmental issues that require the appreciation of laws related to the environment.

Issues faced by indigenous communities are neither linear nor clear-cut. Resource exploitative projects often engender conflicts within the communities causing division:

- *Just to be clear, yung threats to IPs lands and resources, community conserve*

*areas including sacred sites are the areas where the clamor for IP rights recognition and respect ring loud and clear. [...] We would like to reduce victimization of indigenous individuals from the onslaught of development aggression that often are the reasons why there is conflict within communities. - KII*

The issues they raise are entangled—the disregard of their indigenous political system, customary law, and life ways are underpinned by the undermining of their right to self-determination, which they perceive to be motivated by development projects that are often supported by the strong hand of the state. They surmised that the slow processing and issuance of their CADTs also stem from interests over their lands; the procedures are left confused because there is no real motivation to recognize and protect their rights. Indigenous peoples are challenged from various fronts: from the state, the glacial processing of their tenurial instruments and preferential treatment for big business; by large corporations wanting to exploit their ancestral domains; and from migrants or lowlanders, wielding more resources and influence, who want to usurp their lands. Moreover, indigenous communities take the brunt of armed conflicts between government forces and insurgents groups.

- **Recognition of indigenous justice systems:** *In Kalinga we have the Bodong... yung Pagta kasi [...] iyan yung batas nila. The Bodong holders are the persons (who are) implementing the Pagta. There are traditional mechanisms na bawat IP community ay magkakaiba. Sana the court (will) recognize (a)ng mga iyon. – FGD*

*Rape (of) a 13 year-old ng kanyang uncle pero nailagay sa court, bumalik sa mediation dahil it was asked (required to be). Ang masakit sa loob ko, hindi nakamit ng bata yung justice... She is now leaving na, masyadong na-dedepress siya every time na maalala niya yung pangyayaring yun. Lifetime na hindi niya kayang kalimutan. - FGD*

**Overlapping tenurial instruments:** *Yung pinakamabigat na issue namin, yung military reservation. Yun din ang nagpapabigat bakit mabagal yung application ng CADT namin. – KII*

*Yung DAR nag-iissue ng CLOA sa loob ng ancestral domain. Tapos binibigay nila ito sa IP at sa non-IP... Meron naman may CADT tapos iilan na mga indigenous people na... magpa-CLOA, which conflicting notion siya doon sa konsepto ng pagmamay ari ng lupa na ancestral domain ang babasehan. - FGD*

**Legal support:** *Portions of our lands, ancestral lands, were paid to our lawyers, to surveyors, yet natalo... It was all a legal fight. Until now we'll have to fight that decision of the Supreme Court. - FGD*

*Not all ay may abogado kaya mga claimants dito, ancestral land claimants, nabebenta rin nila yung portion ng lupa nila para pangbayad sa abogado. Kung*



*hindi tatanggapin ng abogado ang lupa, ibebenta na lang ng claimant yung kanyang lupa para pangbayad niya sa abogado niya. - FGD*

Access to justice via legal services is hindered by the cost of legal fees, complex legal processes, social norms and discrimination. When indigenous communities were able to access legal services these were usually through support organizations with particular focus on indigenous peoples issues and the environment. This support, however, remains limited—FGD participants call attention to the lack of knowledgeable and sympathetic legal advocates in the regular courts, those who are cognizant of their contexts and struggles. Their legal causes are also challenged by the courts' lack of knowledge of the relevant laws. An IP advocate legal practitioner shared that some courts would confuse one law for another, or of being unfamiliar with IPRA. Concepts such as communal ownership and the principle of stewardship that characterize indigenous relationship with the land are seldom understood or appreciated by the courts.

The assertion and practice of indigenous peoples of their customary law within the indigenous territories demonstrates assertion of the right to self-determination. However, this is often undermined (e.g. FPIC processing), if not altogether left unrecognized. This requires the appreciation of the possibility of legal pluralism by the High Court.

An alarming trend in the situation of indigenous peoples is the threat of government action, if not reprisal, when they dissent or disapprove of government-supported projects. There are reports of indigenous peoples arrested for violating the Forestry Code, for crimes against persons and property, or for “trespassing” in their own land—effectively rendering them landless and displaced. Increasingly, they are being red-tagged.<sup>17</sup> The Global Witness reported a trend of rising threats against land and environmental defenders, many of whom are indigenous community leaders at the forefront of their communities' assertions.<sup>18</sup> Increasing numbers of lumad activists were reported killed for defending their lands from agribusiness and mining companies.<sup>19</sup> The Philippines saw the highest number of defenders killed in any Asian country.

- *Iyong access to land is becoming more difficult because of the entry of forces of development na di sang-ayon sa conservation, mahirap pa na ma-access iyong justice mechanisms. Because nga ang tingin ng state sa kanila (ang) territories*

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<sup>17</sup> Human Rights Council. (4 June 2020). Report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Philippines 44th session, p. 14. <https://reliefweb.int/report/philippines/report-united-nations-high-commissioner-human-rights-situation-human-rights>

<sup>18</sup> Global Witness. (2017). Their Faces: Defenders on the Frontline. <https://www.globalwitness.org/en/press-releases/deadliest-year-record-land-and-environmental-defenders-agribusiness-shown-be-industry-most-linked-killings/>

<sup>19</sup> Global Witness. (2017). Deadliest year on record for land and environmental defenders, as agribusiness is shown to be the industry most linked to killings. <https://www.globalwitness.org/en/press-releases/deadliest-year-record-land-and-environmental-defenders-agribusiness-shown-be-industry-most-linked-killings/>

*a(nd) these are resource-based, and iyong role ng IPs ay supposedly is to sacrifice for the so-called national interest. - KII*

- *Ang problema natin ngayon... hindi pa iyong access to justice. Ang problema natin ngayon ay yung mismong gobyerno na dapat nag ga-guarantiya ng access to justice... ay siya mismo yun nag-de-deny. At in fact, systematic at deliberately violating by weaponizing laws and in fact enacting more laws to violate these democratic rights or fundamental freedoms and democracy. - KII*

**Summary of issues and resolutions confronting indigenous peoples**

Typology of cases	Support
<ul style="list-style-type: none"> <li>• Murder</li> <li>• Homicide</li> <li>• Trespassing</li> <li>• Libel</li> <li>• Violation of the Forestry Code (Presidential Decree or PD 705)</li> </ul>	<ul style="list-style-type: none"> <li>• Indigenous Peoples Organizations</li> <li>• Non-Government Organizations</li> <li>• Commission on Human Rights</li> <li>• NCIP (+/-)</li> </ul>
	Institutions engaged
	<ul style="list-style-type: none"> <li>• National Commission for Indigenous Peoples (NCIP)</li> <li>• Department of Justice</li> <li>• Philippine National Police</li> </ul>

**3.3.4. Children and Youth**

The best-case scenario is for children and young people not to have any need to interact with the justice system. But in instances where they do, they are likely to be victims of abuse, found to be in conflict with the law, or in need of protection. In any of these scenarios, the primary concern is protection of their rights. There are thematic laws that address children’s concerns and issues, such as the Child and Youth Welfare Code (PD 603), Anti-Violence Against Women and their Children Act (RA 9262), Child Protection Act (RA 7610), Juvenile Justice and welfare Act (RA 9344), Special Protection of Children Against Abuse, Exploitation and Discrimination Act (RA 7610), the Anti-Child Pornography Act (RA 9775). Recently, RA 11648 (March 2022, amending RA 3815 or the Revised Penal Code and RA 7610), increased the age for determining statutory rape to 16 years old to provide more protection for young people against sexual exploitation and abuse. Despite these protective measures, children and young people continue to be subjected to violence and harm. The pandemic conditions sharply called attention to their suffering: within an eight-month period (March to November

2020), 4,747 cases of violence against children were reported.<sup>20</sup>

According to the Philippine Statistics Authority, an alarming percentage of children are poor: 23.9% or 9.3 million (2018). One in every ten children and youth are out of school. The Philippines reported a high overall prevalence of violence against children: three out of five children have experienced being physically and psychologically abused, bullied, and almost one in five children have been sexually violated (2016). Reflecting current trends in the uptake of internet use, a recent study (2020) found that one in five children aged between 12 and 17 in the Philippines were subjected to online sexual abuse.<sup>21</sup> These statistics underline a predicate vulnerability of children—they are the first victims of poverty.

- *Doon din sa economic aspect ng family, mas nakaapekto din siya sa mga bata... kasi mas na-force yung mga bata na sila na yung tutulong sa family. Kumbaga nagiging connected na yung situation ng drugs doon sa family, so yung mga bata sila na yung mas pumapalit na nagtatrabaho, naghahanap buhay, mas na-involve na rin yung mga bata sa pag-tatrabaho. – FGD*

Participants from support organization service providers list the following as challenging the safeguards against violations and children’s rights:

- Lack of understanding of relevant laws by justice professionals (e.g. police, prosecutors, judges, and social workers)
- Complex and long-drawn legal procedures
- Lack of gender-appropriate and culturally-appropriate mechanisms of support for children and the youth
- Conflicting, unclear, and uncoordinated policies
- Lack of social services

The lack of an overarching and cohesive framework that looks into protecting children resulted in various laws, fragmented and issue-based, to address the myriad of issues covering children.<sup>22</sup> One of its unintended results is the lack of meaningful appreciation and application of the relevant laws in the best interest of the child. Participants reported that those working in relevant government agencies were often not aware of the relevant laws and thus failed to uphold the rights of the sector they are servicing.

- *Nagiging challenge siya doon sa pag-facilitate namin sa bata... For example, doon sa city social welfare iyong pagka-intindi pa lang nila sa issue ng child*

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<sup>20</sup> Gita-Carlos, R.A. (2022, May 7). Salon wants unified database for VAWC cases. Philippine News Agency. <https://www.pna.gov.ph/articles/1173889>

<sup>21</sup> Ratcliffe, R. (2022, April 21). One in five older children in the Philippines suffer from online abuse. The Guardian. <https://www.theguardian.com/world/2022/apr/21/one-in-five-older-children-philippines-online-sexual-abuse-study>

<sup>22</sup> UNICEF. (2016). Situation Analysis of Children in the Philippines. <https://www.unicef.org/philippines/media/556/file>

*labor. Sinasabi namin kasi trafficked yung bata. (Sasagot sila) “Bakit saan pala siya na-ano, saan pala siya dinala?” So sinabi namin, kinuha siya doon sa isang area tapos pinapunta doon sa isang area. “Ah okay lang yan, hindi po iyan trafficking, kasi di naman siya dinala doon sa Manila.” – FGD*

This lack of understanding further aggravated situations of children and the youth when mechanisms intended to protect them were misconstrued and misapplied, compounding the violations of their rights. For instance, children who were sexually exploited, trafficked, forced into labor, or witnessed a crime, were treated as offenders rather than victims, at times included in the arrests and also detained.<sup>23</sup> This resulted in the negative association by children and the youth of justice workers, particularly of law enforcers, with fear and distrust.

The lack of support mechanisms—appropriate facilities, psychosocial support, among others—also increase children’s suffering. This reflects a gaping lack in the understanding of gender-specific and culture-specific vulnerabilities of children. The participants called attention to the fact that most officials in law enforcement are not trained to handle cases involving children. They emphasized that securing children from harm is only the first step. Trauma often persists even when they are taken to safety.

- *May isang area kami and then...may drug raid doon. Kasi Muslim village kasi siya. So, di ba may stigma kasi dito na pag Muslim ka, it’s either dealer (or) user... Parang na-trap yung community kasi... And then yung mga bata at saka yung mga parents nila, may mga ano talaga, kumbaga may mga napatay and then na-expose yung mga bata doon sa pangyayari na iyon... Traumatic kasi iyong iba yung papa nila nabaril, or yung papa nila nahuli and then aside sa medyo traumatic yung mga experience ng mga bata medyo pag makakita sila ng pulis medyo natatakot. - FGD*

When there are efforts to engage government law enforcement actors through trainings, this is not sustained due to internal agency processes:

- *Yung mga iba pa nating mga professionals like police ma-train pa sila more on how to handle cases sa mga bata. Dapat child-sensitive... Pero dahil din po hindi natin maiwasan iyong police magre-reshuffle yan. May na-train ka na, iba na naman yung na-assign sa unit nila... Sa barangay ganun din. Pag iba na yung barangay captain or mismo sa LGU, iba na. - FGD*

It is important to note that children feel government policies imposed in the larger society. This, for example, was particularly noticeable with Oplan Tokhang. Participants noted that such policies pervade the overall mindset and behavior of people in the communities, and that children are especially vulnerable to this.

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<sup>23</sup> UNICEF. (2016). National Baseline Study on Violence against Children: Philippines. <https://www.unicef.org/philippines/media/491/file/National%20Baseline>

- *Usong din po kasi sa amin yung... itong nagpandemic ay naitutuloy pa rin po yung Oplan Tokhang. Kinakatok po iyong bahay tapos papasukin ng hatinggabi, tapos may hinahanap po na tao [...] Kaya lubos po yung mga natatakot at talagang dumodoble sa gabi... na sana di sila pasukin ng mga pulis... - FGD*

Children, and even their parents, have little to no knowledge of their rights. The challenge of initiating awareness requires going beyond the explanation of rights, but also the explication and calling attention to the vulnerabilities of children.

- *As a social worker kailangan din natin na i-advocate at ipaliwanag (ang mga karapatan nila). Kasi minsan yung mga victims natin hindi nila alam. Lalo na sa mga bata, di nila alam na uy na-biktima na pala sila sa mga ganitong paraan. – FGD*
- *Kasi sa una inaalagaan sila nang maayos, binibigay sa kanila yung gusto nila, (targeting iyong) vulnerability (nila). So, parang nasilaw na sila sa mga magagandang naibigay ng perpetrators sa mga biktima. As a social worker, continue lang to advocate and educate the community kasi minsan sa community, problema nila yun, (pangangailangan nila yun). - FGD*

Participants elaborated on triage conditions that persist in poor communities, where victims and their families prioritized finding a living to meet their daily needs over devoting time to pursue legal action. Moreso when they perceive the process as ineffectual and long-winded. Mothers, they said, are the ones who take the primary duties when families seek redress. It is often the case that care work keeps them from attending to necessary procedures.

- *Yung pinaka-kailangan nila ay yung for survival habang nilalaban nila yung mga kaso. Kasi madalas, well mostly po doon po talaga nagva-vary kung itutuloy ba o hindi. Kasi meron pong mga scenario at mga thinking na instead po puntahan ang barangay para i-proseso (ang kaso) ay maghahanap buhay na lang para may makain sa isang buong araw. - FGD*

Children and their families are dependent on government services. Legal fees, discrimination, fear of reprisal—participants made particular mention of instances where the families are victims of Oplan Tokhang, members hesitate to proceed with their cases out of fear, and simply not knowing where to go are some the barriers they face when accessing justice through legal means. The challenges become even more acute for children in rural areas. In most cases, participants reported that when children and their families are able to access support, it is initially through support organizations.

- *Iyong justice system din natin parang kulang, kasi kung yung mahihirap nagdedepende lang yun sa public prosecutors dahil sa napakaraming cases mahirap i-focus yung kaso no, kasi pro bono lang iyong sa mga mahihirap. Pwera lang sa mga NGOs na may ganitong services na nag-fafacilitate ng justice para sa mga*

*ganitong sector, at least fortunate sila na may ganitong nag-fofocus sa mga kaso. – FGD*

Complex and long-drawn legal procedures take their toll on families, leading some participants to comment that the justice system is not child friendly. They called attention to how children's participation in the legal process should be minimized or made more child-sensitive to consider how trauma is relived even as they are in the process of seeking justice.

- *Iyong justice system din natin parang kulang, kasi kung yung mahihirap nag-dedepende lang yun sa public prosecutors dahil sa napakaraming cases mahirap i-focus yung kaso no, kasi pro bono lang iyong sa mga mahihirap. Pwera lang sa mga NGOs na may ganitong services na nag-fafacilitate ng justice para sa mga ganitong sector, at least fortunate sila na may ganitong nag-fofocus sa mga kaso. – FGD*
- *Kasi yung parents, so pabalik-balik, ilang beses sila nagbalik-balik (pati) na rin yung bata... napagod din sila sa kaka-process. Hanggang sa nawala na lang yung kaso. – FGD*
- *Lalo na sa mga mahihirap pagdating ng kortehan na, wala na, bagsak. Mabuti na lang maka-dalawang hearing... Ganoon iyon, totoo yun. - FGD*

Participants emphasized that in order to achieve justice, particularly for children and their families to be able to access legal remedies, other components must exist. When cases were able to be filed in court, they found the following conditions to be present: the building of capacities through training, organizing of communities, providing security for the victims, and economic support while cases are on-going.

- *Organized (kasi iyong) parents, iyong Mama niya at iyong kuya niya. Yung kuya niya ay na unang naka organize namin sa child labor program. Then sumunod na rin (siya). – FGD*
- *Marami talaga sa mga mahihirap magpakawala kibo na lang dahil alam natin ang kaso, yung process yan, wala tayong pangbayad... Pero hangga't nandiyan yung mga NGO na handang tumulong, hanggang mabigay para sa mga mahihirap, patuloy siguro ang mga kagaya ko. – FGD*
- *...Handa tayo tulungan... Naisip ko lang na sila nga handa ako tulungan, ako pa kaya di ko matulungan ang sarili kong anak. Kung nandoon ang mga klaseng tao na kagaya ng nasa CLB, ako nabigyan nila ako ng abogado, ng mga idea kung ano pa yung dapat kong gawin dahil wala akong pinagaralan, wala akong lahat. Yung alam ko lang mapa-kain ko anak ko, mapa-school ko, yun lang. Pero gusto siguro ng Panginoon kaya natawagan ko iyong isang tao... - FGD*

### **Summary of issues and resolutions confronting children**

Typology of cases	Support
<ul style="list-style-type: none"> <li>● Violence Against Women and Children (VAWC)</li> <li>● Trafficking</li> <li>● Child labor</li> <li>● Drug-related cases</li> </ul>	<ul style="list-style-type: none"> <li>● Non-Government Organizations</li> <li>● Public Attorneys Office</li> <li>● Philippine Commission for Women</li> </ul>
	Institutions engaged
	<ul style="list-style-type: none"> <li>● Department of Justice</li> <li>● Philippine National Police</li> </ul>

### 3.3.5. Women

The Philippines has made good strides in legislating policies that institute women’s rights. Among these: the Magna Carta of Women (RA 9710), Anti-Sexual Harassment Act of 1995 (RA 7877), Anti-Rape Law of 1997 (RA 8353), Rape Victim Assistance and Protection Act (RA 8505), Anti-Trafficking in Person Act of 2003 (RA 6949), Anti-Violence against Women and their Children Act of 2004, and prohibited discrimination with respect to terms and conditions of employment solely on the basis of sex (RA 6725). It is one of the countries to ratify the United Nations Convention in the elimination of all forms of Discrimination Against Women (CEDAW) early on. The Global Gender Gap Report for 2020 indicated that while the Philippines may have dropped from its global gender equality ranking, it remained to be one of better standing in the Asia Pacific Region, ranking 17<sup>th</sup> in the world (78.4% overall gender gap score). The Magna Carta for Women, passed more than a decade ago, is considered a significant push behind this progress. Filipino women outnumber men in senior and leadership roles, both in professional and technical professions.<sup>24</sup> The country is also reported to have closed the gap in education and health—there are more women and girls enrolled in tertiary and secondary education and female life expectancy is five years longer than her male counterpart. The indicators for women point to better conditions and protection.

Independent reports and stories told by participants on violence against women, however, tell a different story, that speaks of a condition hampered by lack of and hesitation to access justice: only one in three women who have experienced violence actually report to authorities. Current pandemic conditions, characterized by lockdowns and work-from-home conditions, aggravated the situation of women who suffer from violence. According to Philippine Commission for Women (PCW), while the number of accounted reports on violence may have gone down it did not mean that violence against women and children actually has gone down. It only meant that usual channels

<sup>24</sup> World Economic Forum. (2020). Insight Report: Global Gender Gap Report 2020. [https://www3.weforum.org/docs/WEF\\_GGGR\\_2020.pdf](https://www3.weforum.org/docs/WEF_GGGR_2020.pdf)



of reporting had changed: women calling the police less, instead reporting to the barangay and the Commission more. Within an eight-month period (March to November 2020), there were 13,923 reported cases, of which 9,176 were cases of violence against women (4,747 cases involved children).

In reality, and despite progress in legislation, women, especially poor women, are not assured of the protection of the law. All too often authorities and local government level (barangay) officials, their first line of support, do not know which law to apply nor do they have the adequate training to handle the complaints of women with a and from a gender-sensitive perspective.

What predicates this situation? Despite improvements in closing gender gaps, female participation in labor was the lowest in the region (49% to the average rate of 59%; on the other hand 79% of Filipino men belonged to the labor force). This illustrates the economic participation disparity between sexes. Domestic and care work remain unpaid and considered subordinate labor. Women's work is often regarded as merely subsidiary, thus maintaining the gender pay gap. This curtails women's access to assets and capital. What results is a paradoxical predicament where some women are in professional leadership positions while most are vulnerable to abuse and violence.

A trend no longer reflected in the political empowerment gap is the decline of female representation in political office by more than half (25% to 10%).<sup>25</sup> According to a national survey on women's work and childcare (2021), 75% of male and 80% of female respondents agree that the man's job is to provide and earn money for the family, while the woman's job is to take care of the family and home.<sup>26</sup> These ideations of gender roles reflect prevailing stereotypical notions and attitudes. Especially for poor women, this economic condition of disparity creates dependence and, to some extent, learned helplessness.

- *...sabi nila (mga kababaihan) "paano na lang wala akong trabaho, wala ako," hindi, hindi yun yung rason para sa akin, meron kang paa, meron kang kamay, meron kang utak, kumpleto ka. - FGD*

Poor women, especially rural and indigenous women, by their social standing and where they are, find it difficult to access legal remedies when they opt to. This is both a physical and a figurative or metaphorical distance:

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<sup>25</sup> Philippine Commission on Women. (2021, April 21). Philippines still best performing country in Asia despite slip by one notch in global gender gap ranking. <https://pcw.gov.ph/philippines-still-best-performing-country-in-asia-despite-slip-by-one-notch-in-global-gender-gap-ranking>

<sup>26</sup> Belghith, N.B., Lavin, H., Benjamin, Lapalombara, A. and Frohman, H. (2021). Overcoming Barriers to Women's Economic Empowerment in the Philippines (English). Washington, D.C. : World Bank Group. <http://documents.worldbank.org/curated/en/099830103012227161/P173002056f08e0a909afd0d7c9f381c4d3>



- *Kasi madalas malayo iyong justice system sa community. Lahat sila ba-biyahe ng oras at gagastos na 200-300 pesos para makarating doon sa justice system, doon sa justice office. At kung ako yun at wala akong kinikita, mas pipiliin kong magstay sa bahay or pakainin yung mga gutom kong anak. - KII*

Women who do sex work face even greater vulnerability. The very nature of the work they do is regarded as “sinful” or even a crime. Awareness of the general prejudice against sex workers prevents them from filing formal complaints when their customers and partners abuse them.

- *Kumbaga ako yung nag-rereklamo pero pagdating doon sa dulo parang ako na yung masama doon sa kwento. Nung nag-fifile na ng case sinabi (ko) na lang na huwag na ituloy iyong kaso. Parang dinidiin nila kapag tinuloy, ako pa rin yung masisisi, ako pa rin yung lalabas na makukulong, makakasuhan. - FGD*

One of the key informants advocated a change in policy: the expansion of the definition of the anti-rape law, “*na hindi ka naka focus sa vagina. Pag-rape through carnal knowledge yun yung may penal penetration.*” This diminishes the indignity that women suffer when rape is not according to what is normatively defined. Rape as such and the justice sought by women violated becomes negotiated, and the indignity suffered by women is made relative. On the other hand, this also disadvantages men.

The idea that the law is gender-neutral is also problematic, according to a key informant: “because if the law remains gender-neutral, it loses sight of the distinctiveness of the experiences of the various marginalized sectors including that of women.” There are instances when in the access of services, neutrality of the law serves to curtail her access to legal services:

- *...so naunahan ng perpetrator na kumuha ng PAO. Kumuha ng abogado from PAO. So sabi niya, ‘saan siya kukuha ng abogado?’ Dahil alam ko yung mga services sa M city, sabi sabihin mag provide (galing sa) legal office sila. Isa pa iyon sa mga challenges, nag uunahan. Kasi nga si PAO, first come first served siya. - KII*

This neutrality can cause violation against men to be perceived to be immune to violations, “*mga kalalahikan... (hindi) pwedeng magsumbong... yung usapin ng culture natin ng toxic masculinity... The man who was raped in that particular evacuation area, hindi na sya nag-report kasi nga parang ‘ay machichismis lang sya’ tapos mahihirapan pa siya sa recovery.*”

The intersectionality of women’s identity combines to create various violations—she is poor, a battered wife, a mother who must work for her children. She is often undereducated, overworked, without support. She could be in sex work, deaf and/or indigenous. Any one or two of these hampers her access to justice:

- *So sabi nya kung “unschooled” (deaf language: someone has not learned the*

*international sign language system) yun, most likely kailangan niya ng kapwa deaf, tapos yung deaf irerelay nya sa isang hearing na sign language interpreter. Yung ganoong klaseng services, local government are not aware of such kind. Madi-dismiss talaga yung kaso kasi paano nga naman siya makikipag-usap sa isang pulis. - KII*

- *Mas ang discrimination (sa) kanila iyong because of how they look, (example) iyung discrimination ng mga unat versus sa mga Aeta Abelen. Kaya hindi sila lalabas don sa kanilang ancestral land. Pag lumabas sila, lumapit sila sa pulis, sasabihin sa kanila, kunyari rape ang kaso, ang sasabihin sa kanila, “ikaw narape?” Tapos titingnan ka mula ulo hanggang paa. Ikaw di ba, kung aeta abelen ka, di ka nalang lalabas kase i-ju-judge ka. Sasabihan ka na “Ha? Ikaw? Baho-baho mo eh,” mga ganong comments kasi madalas ang sinasabi sa kanila. So ikaw, hindi ka na talaga mag-rereport. Bukod sa malayo, mabaho ka pa dahil maarawan ka, tapos iju-judge ka ng kapulisan, doon ka talaga magiistay sa loob ng ano, sa customary systems of law. - KII*

Participants identified that local organization or organizing by communities work best to protect women. They are cognizant of the limits of access to justice via legal remedies— *“hindi lahat masa-sagot ng legal iyong problema sa legal, malaking aspeto siguro n’yan dapat we need to have more organizations on the ground.”*

**Summary of issues and resolutions confronting women**

Typology of cases	Support
<ul style="list-style-type: none"> <li>• Violence Against Women and Children (VAWC)</li> <li>• Trafficking</li> <li>• Child labor</li> <li>• Drug-related cases</li> </ul>	<ul style="list-style-type: none"> <li>• Non-Government Organizations</li> <li>• Public Attorneys Office</li> <li>• Philippine Commission for Women</li> </ul>
	Institutions engaged
	<ul style="list-style-type: none"> <li>• Department of Justice</li> <li>• Philippine National Police</li> </ul>

**3.3.6. LGBTIQA**

“Widespread and systematic human rights violations on the basis of sexual orientation, gender identity, and homosexuality persist in the Philippines,” according to a report submitted by the International Gay and Lesbian Human Rights Commission (IGLHRC) in 2012.<sup>27</sup>

<sup>27</sup> See [https://www2.ohchr.org/english/bodies/hrc/docs/ngos/iglhrc\\_philippines\\_hrc106.pdf](https://www2.ohchr.org/english/bodies/hrc/docs/ngos/iglhrc_philippines_hrc106.pdf)

The same characterization holds 10 years hence. The Equality Index,<sup>28</sup> which measures legal rights and public attitudes on key LGBT issues across the world, gives the Philippines a score of 54/100, where 100 represents the most equal. A 2014 country report funded by the USAID and the United Nations Development Program found that while the Philippines has signed many international covenants, “LGBT rights are not always supported by the state. Same-sex activity is not criminalized and sexual orientation is mentioned in various laws. The most important issue in terms of law is considered the lack of an anti-discrimination bill... In the absence of national legislation, anti-discrimination ordinances at the level of local government units and cities have been recently passed. Transgender people are not allowed to legally change their identity, first name and sex (intersex people are allowed to do this).”<sup>29</sup>

In fact, Human Rights Watch (HRW) found that as of 2017 “only 15% of Filipinos reside in areas protected by anti-discrimination ordinances.” This may have slightly increased with a handful more local government units, such as Manila, following suit recently. The same HRW report found that “students who are lesbian, gay, bisexual, and transgender (LGBT) too often find that their schooling experience is marred by bullying, discrimination, lack of access to LGBT-related information, and in some cases, physical or sexual assault. These abuses can cause deep and lasting harm and curtail students’ right to education, protected under Philippine and international law.”<sup>30</sup>

Participants elaborated on the experience of LGBT students at university settings:

- *Like hindi pag grant ng inclusion like membership to organizations because of their SOGIE. Hindi pag receive ng benefits na narereceive ng other cisgender and heterosexual counterparts. Pasok din dito yung verbal harassment, bullying, hindi pag access ng mga gendered facilities.*

Some strides have been made: the Supreme Court, for example, reversed a COMELEC ruling, which denied the application of Ang Ladlad Partylist to run for elections in 2009 (and in 2006). In fact, “After a cursory survey of relevant laws and jurisprudence in the Philippines, it is clear that there is a growing but uncoordinated recognition of LGBTI rights within the Philippine legal system. The SC has recognized a constitutional policy on non-discrimination of LGBTI people. Yet, the state has yet to fully implement a definite legal framework within which LGBTI rights are recognized, enforced, and upheld.” Both the 2013 and 2020 Pew Center surveys found that 73% of Filipinos believe “homosexuality should be accepted by society.” (The Philippines was the only country whose results did not change.)<sup>31</sup> This presents a picture of tolerance but hides a pervasive if deep-seated attitude of discrimination, where gender-based violence is its most pernicious attribute. Before it closed shop in 2012, the Philippines LGBT Hate Crime Watch documented 156 LGBT deaths (arising from gender-based violence) since

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<sup>28</sup> See <https://www.equaldex.com/equality-index>

<sup>29</sup> Being Lgbt In Asia: The Philippines Country Report. [https://pdf.usaid.gov/pdf\\_docs/PBAAA888.pdf](https://pdf.usaid.gov/pdf_docs/PBAAA888.pdf)

<sup>30</sup> See <https://www.hrw.org/report/2017/06/21/just-let-us-be/discrimination-against-lgbt-students-philippines>

<sup>31</sup> See <https://www.pewresearch.org/global/2020/06/25/global-divide-on-homosexuality-persists/>

1996.<sup>32</sup>

In a five-country study (which includes the Philippines) on lesbian, bisexual and trans women, the Asia Pacific Institute on Gender-based Violence “confirmed the existence of complex layers of intersecting discrimination where violence against LBT individuals was not only motivated by rejection of sexual orientation, gender identity and gender expression but, in many instances, also other identity markers (e.g., race, ethnicity, class, economic status, religion, economic status). In this way, LBT individuals were punished by their families and communities for ‘betraying’ their heritage, religion and culture.”<sup>33</sup>

This is reflected by the participants:

- **Experience of bullying and violence:** *Now, from my firsthand experience, yung me myself have experience firsthand, ay ako yung napag-tripan. Yung nilagay ko dun sa information na sinubmit ko was physical abuse and frustrated murder. This was since last year, September 15 2021. - KII*
- **Narration of discrimination and abuse:** *So without any clarification or confirmations, I was physically harassed. Sinaktan ako physically, my mouth was bleeding already then there was a knife being pointed at me. Actually muntik na ko saksakin ng kitchen knife. So I was like asking, or begging for him to spare me, or to not do it. - KII*

*Physical abuse by family: So binugbog siya for the reason na sinasabi nung nanay niya and nung step-dad niya na he’s gay. So binubugbog siya kasi bakla daw siya, walang maitutulong sa family and then, parang instead na.. Kasi siya yung pinaka-panganay, so inaasahan ng mom niya. - KII*

Access to justice issues begins at the individual level. This ranges from lack of resources to file a complaint, to information on who to approach, to inability to make sense of the legal system.

- *Hindi nila alam kung paano papasok yung na-experience nilang case especially when there’s no parang legal protections pa ang LGBTQI from discriminations. - FGD*

Victims also fear the very act of filing a complaint will expose them attention and bring them shame.

- *Kumbaga ako yung nag-rereklamo pero pagdating doon sa dulo parang ako na yung masama doon sa kuwento parang ganoon. Nung nag-fifile na ng case so*

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<sup>32</sup> See <http://thephilippinelgbthatecrimewatch.blogspot.com/2012/05/press-statement-manila-lgbt-groups.html>

<sup>33</sup> (2014). Violence: Through The Lens Of Lesbians, Bisexual Women And Trans People In Asia. <https://www.api-gbv.org/resources/violence-lens-lesbians-bisexual-women-trans-people-asia-2014/>

*sinabi na lang na wag na ituloy yung kaso, ganoon. Parang dinidiin nila kapag tinuloy, ako pa rin yung masisisi, ako pa rin yung lalabas na makukulong, makakasuhan, ganoon. - FGD*

- *Kaya sabi ko parang, fault ko ba? Eh unang-una, nasa tapat ako ng bahay namin, and then pumunta ako sa police station to report yung incident and yet parang kasalanan ko pa kung bakit ako na-holdup? So parang ganoon, sobra yung pag-judge agad once you're a member of the LGBTQIA+ community. - FGD*

Their fears are not unfounded:

- *Naexperience namin yan na nagfile siya sa sa barangay, tapos pinagtatawanan siya. Tapos yung mga Barangay officials, barkada ng nirereport niya, yung respondent. Tapos procedural justice, parang hindi sila, wala daw urgency, palipat-lipat, walang consistent system kasi yung nga, wala naman ding recognition sa sometimes yung among municipalities, barangay or whatever ng kanilang rights. - FGD*

LGBT participants felt that institutions are not aware of LGBT rights and that discrimination is illegal, even in places where anti-discrimination ordinances exist. It is often the case that when filing cases, they felt their complaints were belittled.

- *...yung nature of case niya may death threats na, ganun nang level tapos hindi siya pinapansin sa barangay, sa barangay kasi siya nag-ano eh. Barangay justice system. FGD*
- *Tapos, yun nga daw na di naman daw ganoon kalaki yung pinaglalaman namin, at parang parang wala lang daw iyon. So ayun, di na namin tinuloy ng kasama ko. Tapos ayun medyo heartbroken nga kasi na parang walang batas para sa amin, usually yung nga, di natuloy. Kasi sila rin mismo yung nagsabi na wag na lang din ipagtuloy. - FGD*

Violence, especially when perpetuated by family members, were often regarded by authorities as internal matters that should not be taken up by the formal justice system. This discouraged the victims from filing cases.

- *So currently parang nag-aask nga siya ng legal advice kaso di naman... in-aano ng barangay kasi sabi nila pamilya naman kayo, ayusin na lang. Parang wag na natin palakihin. Ganyan, kasi kawawa naman daw yung ibang maliliit pang bata na anak... noong mom niya doon sa stepdad niya. Parang sino daw yung bubuhay kung sakaling makulong yung stepdad and then madamay yung mom niya, parang yun yung sinasabi ng barangay sa kanya kaya naguguluhan siya. - FGD*

Institutions lacked working mechanisms, and government officials the awareness of LGBT rights, and thus, were ill equipped to handle complaints. Biases also played a

huge part in processing complaints. LGBT persons are “an invisible population, statistically speaking” (FGD).

- *Dapat meron ding pagtingin sa kung paano yung iba’t-ibang identidad ay nagiging biktima rin ng patriarchy. - FGD*
- *LGBTQ+ does not have access to the same mechanisms as women. For instance, if a male who identifies as female is harassed, they are not accommodated under VAWC because they are still tagged as ‘male’. The way the society is patriarchal contributes to this inaccess to justice. – KII*

One key informant shared that an effective way to promote LGBT rights is to present it to audiences in ways that would respond to them. For businesses, LGBT rights are framed as important for organizational development, efficiency and profit; for communities, it is linked to livelihoods; for LGUs, human rights (FGD).

Some victims thus turn to alternative forms of justice, as in social media, where they are able to ‘name and shame’ perpetrators and receive immediate support:

- *At meron kang, ang audience mo sa social media, networks mo, circles mo na magbibigay sayo ng suporta. Eh pag nag-file ka naman ng kaso, hindi siya victim-first. - FGD*
- *As a result, the following are the negative impacts of lack of access to justice: 1) persistence ng discrimination, violence, harassmen; 2) lack of (gender-disaggregated) data; and 3) a study of the impacts of the alternative forms of justice on the community. - FGD*

To bridge these gaps, the participants surfaced the following recommendations for improving access to justice:

- *Ano yung available mechanisms for me to pursue justice, to pursue accountability, to hold these people accountable? So ganun, we should make the community more visible. - FGD*

This, they say, underscores the need for an enabling policy environment for supporting LGBT rights—the passing of relevant legislations, such as the SOGIE bill and decriminalization and de-stigmatization of sex work. These policies also raise the awareness of and for the LGBT community itself.

They identified most immediate and concrete access to justice provisioning is for legal assistance. This includes increasing the availability of lawyers who can take on cases. This is especially important for complainants whose lives are at risk and need to file cases immediately:

- *So ako nga, kung very accessible yung mga ganyang assistance, siguro*

*magiging maganda yung achievement ng hustisya lalo sa mga nakaka-experience ng injustice. Sobrang hirap dito sa Pilipinas makakuha ng justice lalo kung isa kang mahirap na nasa liblib na area. Ginagawa naman ng gobyerno ang lahat para mabigay yung karapatan at pangangailangan nila pero kulang pa rin dahil may mga taong hirap pa rin makalapit doon sa mga pwede nilang hingian ng tulong specially kung ikaw ay nasa lugar na ilang kilometro pa yung barangay o city health [office]. - FGD*

Counseling services should also be provided to victims, for discussing complaints or cases is *“about opening up wounds, frustrations sa justice system. It can be a lot to take, and so hopefully madaming equipped na counselors para (tumingin) dito”* (FGD).

LGTB participants also proposed tThe creation of desks for LGBT concerns or cases, similar to women’s desks.

- *‘Pag may designated na for marginalized communities na desk, parang it sends a message na may pagkilala sa imbalance of power relations, may pagkilala sa history of discrimination sa community. Kung nagagawa natin (para) sa mga kababaihan, bakit hindi natin magawa sa iba pang (komunidad) na biktima din naman ng patriyarkiya? - FGD*

Stemming from their experience, critically, relevant government institutions should be strengthened, educated, and capacitated to facilitate LGBT access to justice issues. The financial considerations should also be taken into account, they recommend the waiving of fees for filing complaints, as one LGU required this. Support for filing medical reports should also be provided since these can be expensive and can thus deter victims from pursuing cases.

- *Ako yung sa akin is for the barangay to be aware of ordinances, bills, and everything about women and LGBT. Yung resolutions or ordinances na existing ay sa lahat di pa aware tungkol sa karapatan ng mga miyembro ng nasa sector ng LGBTQ+ kasi sa women’s halos lahat medyo aware sa karapatan ng kababaihan at bata, sa amin hindi. So parang mas kailangan na made aware yung mga nasa barangay, seminars about SOGIE, and how to address members of the sector, and how to handle things na isang insidente, yung isang insidente ay magsusumbong o hihingi ng tulong kasi karamihan especially pag nasa malayong lugar, ang common na tawag sayo pag lalaking naka-lipstick at nakapambabaeng damit ay bakla ka kaagad. - FGD*

**Summary of issues and resolutions confronting the LGTB+ community**

Typology of cases / Violence experienced	Support
<ul style="list-style-type: none"> <li>● Violence</li> <li>● Bullying</li> <li>● Sex work-related</li> </ul>	<ul style="list-style-type: none"> <li>● Non-Government Organizations</li> </ul>

<ul style="list-style-type: none"> <li>• Largely stemming from discrimination</li> </ul>	
	Institutions engaged
	<ul style="list-style-type: none"> <li>• Local Government</li> <li>• Philippine National Police</li> </ul>

### 3.3.7. *Persons with Disabilities*

The 2016 National Disability Prevalence Survey (NDPS) found that around 12 percent of Filipinos aged 15 and older experienced severe disability. Almost one in every two (47%) experienced moderate disability while 23 percent with mild disability. Almost one-fifth (19%) experienced no disability.<sup>34</sup> The Philippine Constitution prohibits “discrimination against persons with physical, sensory, intellectual, and mental disabilities.” In 1992, the Magna Carta for Disabled Persons Act was passed. It provides for equal opportunity employment for persons with disability (PWDs). It prohibits discrimination against them in terms of transportation, access to public accommodations and facilities. It was later amended in 2007 to expand on the entitlements of PWDs, including deliverance from ridicule and vilification.

However, the difficulties being faced by PWDs are systemic: “Despite efforts to equalize opportunities and improve their lot, persons with disabilities in the country continue to suffer exclusion from social and economic opportunities due to systemic barriers to their participation, such as their exclusion from decision-making processes, negative attitudes about disability that perpetuate marginalization, and discriminatory legislative frameworks that have not only excluded the disabled but have also contributed to the creation of barriers to their participation.”<sup>35</sup> The US State Department reported in 2021 that “many barriers remained for persons with disabilities. Disability advocates contended that equal access laws were ineffective due to weak implementing regulations, insufficient funding, and inadequately focused integrative government programs.”

70% of PWDs in the Philippines can be found in rural areas where poverty is concentrated and “where services are often not available.” The experience of poverty exacerbates their disability, as it has also created or contributed to their disability in the first place: “In general, poor individuals face higher risks of becoming chronically ill or impaired. They have low access to health care, high levels of malnutrition and usually

<sup>34</sup> See <https://psa.gov.ph/ndps/disability-survey-id/138567>

<sup>35</sup> Asian Development Bank. (2005). Disabled People And Development Philippines Country Report. <https://think-asia.org/bitstream/handle/11540/6142/Disabled%20people%20and%20development%20-%20Philippines%20country%20report%20Jun05.pdf?sequence=1>



work and live in unsafe environments, aspects that result in higher risk of illness and injury (40).”<sup>36</sup> In fact, a study found that PWDs in low- and middle-income countries are generally “poorer than their nondisabled peers in terms of access to education, access to healthcare, employment, income, social support and civic involvement.”<sup>37</sup>

Against this background, we examine the more specific access to justice issues faced by PWDs.

An FGD participant believed that while laws concerning the PWDs are well-crafted, their implementation is hindered by corruption and nepotism. What’s more, there is difficulty in appreciating the nuances of laws when it comes to disability, resulting in the criminalization of PWDs:

- *Alam mo ang dami ko na ngang kinausap na mga law students, na mag focus kayo sa disability rights law o disability rights legal ano. Alam mo sabi nila? If they read the law, wala silang makita na concrete mechanism para maging pabor ito para sa mga persons with disability. Kasi yung batas na yan ginawa naman yan ng mga walang alam sa disability way back in 1992. Kahit ngayon, yung mga amendments nagdagdag lang pero hindi naman nadagdagan yung knowledge nila about sa disability. I think it’s very essential na kelangan yung mga gumagawa ng batas meron silang knowledge and appreciation on the rights of persons with disabilities. Common sense dapat yan. Nasabi natin na yung common perspective ng Pilipino tungkol sa disability is awa. But that is not, hindi naman lahat ay nakakaawa. Like ako, nakakaawa ba ako? Hindi ako nakakaawa, pero may karapatan ako. So they should look at the rights-based perspective of every person. - KII*

Their notion of justice is tethered to the enjoyment of rights:

- *Ang justice for us is yung balancing na naaccess yung mga services ng mga lawyers, ng mga judges. Yung sa mga persons with disabilities, itong isang malaking parang right ito. Access to justice parang it’s a right for all of us. - FGD*

In general, the disability of PWDs heightens their susceptibility to violence. A large demographic of the PWD come from low-income households; however, income opportunities are limited for them, in large part because of the discrimination and a lack of understanding that PWDs are just as fit for employment. The most common cases revolve around domestic violence, gender-based violence, bullying, and discrimination.

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<sup>36</sup>Pinilla-Roncancio, R. (2015). Disability and poverty: two related conditions. A review of the literature. Scielo. [http://www.scielo.org.co/scielo.php?script=sci\\_arttext&pid=S0120-00112015000500014#:~:text=From%20poverty%20to%20disability,illness%20and%20injury%20\(40\).](http://www.scielo.org.co/scielo.php?script=sci_arttext&pid=S0120-00112015000500014#:~:text=From%20poverty%20to%20disability,illness%20and%20injury%20(40).)

<sup>37</sup>Groce, N., Kett, M., Lang, R. & Trani, J.F. (2011) Disability and Poverty: the need for a more nuanced understanding of implications for development policy and practice, *Third World Quarterly*, 32:8, 1493-1513, DOI: [10.1080/01436597.2011.604520](https://doi.org/10.1080/01436597.2011.604520)  
<https://www.tandfonline.com/doi/abs/10.1080/01436597.2011.604520>

Sexual violence is high among deaf-mute girls and women, with as high as 400 cases in 2004 alone.

Women are more likely to experience domestic violence than men. This remains true within PWD spaces – PWD women have a higher risk of gender-based violence brought about by their disabilities (which comes with the assumption by the perpetrators that the PWD cannot file complaints against them). But equally serious violations pertain to human rights:

- *Meron pang mga mas serious na violations sa human rights ng mga persons with disabilities. Like neglect of food, neglect of their right to live like any other citizen, access to public facilities like transportation, buildings, and roads. That is blatant violation against persons with disabilities. - KII*

If the justice system is already slow, it is even slower for PWDs: their specific needs are not recognized at the onset of a case. For example, there are no language interpreters for the hearing impaired. A mobility-impaired person will have little or no implementation to help them move around. Guidelines for assisting mentally impaired persons might endanger them further. Frontline staff are not capacitated to process cases, becoming themselves the first barrier to access to justice.

- *At hindi rin sya ganon ka-friendly sa isang person with disability because of the attitudes of frontline personnel. Ano ba ang ano kapag may dumating na isang bulag na magco-complain na ninakawan siya ni ganito? Sasabihin niya paano mo nalaman na siya yun? Or kapag may nagsabi sa kanya na si ganito, paano mo nalaman na siya yun? Diba yung mga ganong tanong? Wala na agad, aatras na agad yung tao because of the ignorance of the frontline personnel sa mga agencies or units where you need to file your complaint. Mawawalan ka na ng loob. Biktima ka na, shamed ka pa, san ka pupunta? Yan ang mga problema ng mga nagfi-file ng case. Pero meron talagang mga matatapang. Eh yung iba kapag walang wala, sanay naman sila na inaapi sila, wala na lang. So yun yung mga nakakaiyak na kaso. - KII*

Physical facilities are themselves literally inaccessible, and information and communication are not made available to PWDs.

- *This had been going on for four decades now, the accessibility barriers. Kung walang accessibility features yung building, yung community and all, we cannot be included. We cannot even get to the court. - FGD*

At a personal level, PWD complainants find several encumbrances. They face demoralizing teasing when they file a case. In fact, social attitudes are themselves a barrier for accessing justice:

- *Attitude ng society, ito ang isa rin sa pinaka issue namin na once person with disability ka ay may mga stigma na agad. Diba may mga prejudices na kaagad*

*na ikaw ay walang edukasyon, na ikaw ay walang pinag aralan, na wala kang parte, wala kang silbi, and all. Yun ang mga mahihirap na kaya ano, diyan ka na lang wag ka na lang mag imik. Parang sa loob mo na lang yan, you keep it by yourself. Parang ganon na lang sinasabi. - FGD*

Sometimes, victims want to file a case, but their families feel it will be a source of shame: “*Yung mga victims gusto pero yung pamilya ay ayaw. Kasi kinakahiya*” (KII). At times families can themselves be the source of vilification: “*Yung isang issue ng parent na dinudulog sa amin, yung anak kasi niya ay pinagtutulungan ng buong pamilya na tawaging isang baliw parang ganon.*”

Filing fees are steep for poor PWDs and their families, who will prioritize survival:

- *But most likely mahihirap ang mga persons with disabilities and kung sa mga pangyayari kung sa mga rural areas yan, ipa-prioritize ba nung pamilya yun? Ano ba ang i-prioritize sa kakarampot na pera na meron tayo. Pagkain para sa lahat or isusulong natin itong kaso mo, di po ba? Parang ganon ang pinaka issue sa karamihan ng nagre-report sa amin. At sino bang tutulong? May tutulong ba sa atin from the start until the end? Yun ang mga katanungan nila. - KII*

Time and effort are required for filing—difficult for PWDs with impairments to mobility. At times, their cases are only taken on by lawyers when such are high-profile:

- *Hindi komo sinabing libre, right then and there makukuha mo. kelangan yung kaso mo ay may pagka ano, may controversy ng konti. Pero kung ang perception ng lawyer sa kaso ay wala namang patutunguhan, mahirap ihanap ng lawyer. - KII*

PWDs with labor cases are an exception, with labor lawyers taking them on. However, it remains difficult to pursue cases against discrimination because of the difficulty of defining discrimination in the workplace, and of defining discrimination when applying for a job.

Most lawyers, in fact, have difficulty in approaching relevant laws because they have no background on the concept of disability itself:

- *And marami pa rin to make mga batas natin dapat talaga na malinaw kasi nahihirapan yung mga lawyers na intindihin tong batas maybe because they don't have any background on disability which is a very diverse field. Like halimbawa dito lang sa psychosocial disabilities and yung mga may intellectual disabilities, madugo na yan. Kaya maraming mga may psychosocial disabilities at intellectual disabilities na nakakulong because the justice system doesn't have enough understanding about them. - KII*

There is a sense that institutional readiness still has some ways to go. The first line of protection for PWDs is supposedly the barangay, but many barangays are woefully

unprepared. Worse, barangay councils actually discourage the filing of cases, because it means, perversely, that they are doing their job:

- *Itong si Barangay kahit hindi PWD palpak ang mga actions ng mga lupon na iyan. Kasi pag hindi sila nag-file ng kaso, these are points for them. Point for them pagka hindi nag kaso which is wrong. Dapat itong mga lupon natin may alam sa batas at binibigyan ng tamang training. Hindi yung kahit sila mismo ina-abuse nila yung mga position nila as lupon. Ito dapat ang mas bigyan natin sensitivity and disability awareness. Kasi sila yung direct na, sila yung first in line for access to justice. - KII*

In fact, at the local level, the inability of PWDs to access justice lies in their lack of representation in the offices that should have been designed to cater to them. In Muntinlupa, for example, a respondent (Veronica Calalang) shared that the Persons with Disability Affairs Office (PDAO) is not staffed by PWDs, nor by people with expertise, but with people close to officials. The respondent believes that PDAOs across the country do not serve their functions and are just established to earn the Seal of Good Local Governance (SGLG).

The lack of court interpreters in courts significantly impacts cases. Family members and teachers are prohibited from offering interpretation services when there are no official court interpreters. However, some courts, like one in Cagayan de Oro, employ interpreters.

All this can be traced to institutions' glaring lack of awareness of disability rights. In one, for example, an autistic child who had taken two stockings (as a soothing mechanism) was arrested and subsequently tortured by a barangay tanod for 'stealing' stockings. In another case, the National Police Commission (NAPOLCOM) refused to honor disability benefits for one of its members, characterizing these as 'double compensation'.

There are also policies which exacerbate false and unsophisticated notions of disability, propounded by the very people tasked to advance responsive legislation: lawmakers.

- *Gawa tayo ng isang batas na mage-explain ng mechanism on how persons with disabilities should be treated. Ang hirap sa kongreso natin at senado, when you pass a law for a certain group sasabihin nila it's parochial. So even if it's for a small number of people as long as it addresses their rights wala kang karapatan na sabihan yan na parochial. At hindi mo pwede i-disregard yung karapatan ng isang tao on the basis na identified ano sila. Kaya ngayon yung ating mga marginalized sector, marginalized pa rin in terms of access to justice because of the perception of the lawmakers about IPs, about persons with disabilities, about senior citizens. Their issues are parochial? - KII*

If the overall framing of disability is absent, so much more the appreciation of the intersectionality of disability and gender, specifically, LGBT rights:

- *Yung intersectionality ng gender and disability dapat nakikita yan. Napakahina ng kanilang analysis about intersectionality of gender and disability and it shows in the programs that they implement. And it shows in the perspective and the knowledge that we get from them, the programs that they deliver to us [are] very poor. So hindi pwede na paghiwalayin yung gender and disability. At hindi rin pwede paghiwalayin ang gender, disability, and social inclusion. - KII*

The recently passed Anti-Terrorism Law may also put PWDs in grave danger, misconstruing especially those with cognitive impairment, such as ADHD and psychosocial disabilities.

Alternative dispute settlement mechanisms are also not PWD-friendly:

- *Wala, kasi diba sabi nila justice is for all, but that is not true. Kaya kung paano dumaan ang iba sa proseso, yun din ang proseso na dadaanan mo. Because you cannot be special to justice except na lang kung tayo ay gagawa ng bagong batas na kapag ito ay person with disability, eto yung magiging proseso. It's a policy issue kung gusto mo ng special mechanism na mapadali. - KII*

But what are the available mechanisms accessed by PWDs in cases of injustice? The first is the referral system, where:

- *Yung victim ay magco-confide to one of the leaders, then yung leader tatanong naman niya kung ipu-pursue ba niya, kung ok naman sa kanya. - KII*

The case is often brought to the barangay, and an NGO is also notified, to assist the survivor. They also access government social amelioration, to assist them in the case. The survivor and their family are also apprised of how long a case takes and other nuances. In discrimination cases, parties usually settle.

- *Parang yung mga discrimination usual na lang namin din na nare-resolve from our end so hindi na kelangan i-push pa to higher courts.*

**Summary of issues and resolutions confronting PWDs**

Typology of cases / Violence experienced	Support
<ul style="list-style-type: none"> <li>● Discrimination</li> <li>● Inaccessibility of resources and lack of PWD-friendly facilities</li> <li>● Lack of representation in government offices and agencies ;</li> <li>● Insensitivity, lack of awareness, and teasing</li> </ul>	<ul style="list-style-type: none"> <li>● Non-Government Organizations</li> <li>● Social amelioration resources</li> </ul>

	Institutions engaged
	<ul style="list-style-type: none"><li>Local Government (PWD Affairs Office)</li></ul>

In sum, a respondent believed that “the government is the most blatant violator of all laws for persons with disabilities.”

- Yung failure to implement laws like yung RA 10070, mas matindi yan kung tutuusin. That is not only public ridicule on the rights of persons with disabilities to have mechanism at the LGU level. Malaki ang kasalanan ng mga local government in not implementing the law especially RA 10070. Yun dapat ang ating tinututukan. - KII*

### 3.3.8. Urban Poor

1 in 2 Filipinos lives in cities.<sup>38</sup> Cities contribute 70% to the Philippines’ GDP, with Metro Manila contributing 31% in 2021.<sup>39</sup> In terms of poverty incidence, 9.3% of the poor could be found in urban areas in 2018, one of three sectors with the lowest poverty incidence.<sup>40</sup>

However, since half of the population is concentrated in cities, this still translates to around 5 million Filipinos in the grip of poverty. In fact, “as cities fail to keep pace with the rapid urbanization in the Philippines, multi-dimensional poverty in urban areas is deepening and widening. With in-migration of those aspiring for better lives from rural areas to urban centers came surges in demand for jobs, housing, infrastructure and basic services in major cities. Yet, the Government has been unable to address the increased demand given the accelerated pace. The result has been the proliferation of informal settlers in urban areas without adequate access to decent living conditions.”

Cities are also “vulnerable to rain-induced landslides, floods, and liquefaction — an earthquake risk that could damage properties,” with the urban poor lacking the ability to bounce back from disaster.

Justice is elusive for the urban poor, according to one respondent:

- Naniniwala sila doon sa mailap sa kanila yung katarungan... Hindi nila alam yung batas. Lack of knowledge, lack of awareness. Hindi sila aware doon sa kanilang*

<sup>38</sup> See <https://www.statista.com/statistics/761136/share-of-urban-population-philippines/>

<sup>39</sup> Asian Development Bank. (2022). Asian Development Outlook (ADO) 2022: Mobilizing Taxes for Development. <https://www.adb.org/news/stronger-domestic-demand-fuel-philippine-economic-growth-2022-2023-ADB>

<sup>40</sup> Philippine Statistics Authority. (2020). Farmers, Fisherfolks, Individuals Residing in Rural Areas and Children Posted the Highest Poverty Incidences Among the Basic Sectors in 2018 <https://psa.gov.ph/poverty-press-releases/nid/162541>

*mga karapatan. Yan yung pinaka-una talaga na, “hindi kami naniniwala diyan sa hustisya kasi mahirap lang kami, mayayaman sila so nasa kanila ang batas.” - KII*

It is too slow:

- *Dapat mabilis ang justice system natin. Iba naman kasi ang presyo, iba naman talaga yung sa mayaman at sa mahirap e. Lalong lalo na kung ikaw ang may-ari ng isang malaking subdibisyon. Iba ang presyo dyan. Palaging naaapakan yung mga maliliit. - KII*
- *Kapag mahirap ka, andun yung pagod mo. Samantalang pag mayaman mabilis lang. Ang hustisya kasi parang nabibili na rin ng mga mayayaman.*

Lack of awareness of rights can be a stumbling block:

- *Base sa karanasan, masasabi ko na yung kakulangang sa kaalaman ng basic rights bilang isang tao, bilang isang ordinaryong mamamayan ang pinakamalaking hindrance para makuha natin yung fair justice lalo na kapag tayo ay nakakaranas ng tinatawag na panggigipit, pagsasamantala. - FGD*

And the notion of equity, instead of equality, should inform justice discourses:

- *So we have equality, kasama na yan sa human rights, equality. But beyond that, kailangan pa may equity. In other words, there are person who needs something else, more than the other person. Kaya nga may PWD, women, differential needs. - FGD*

The main challenges for the urban poor are:

- Backlog of housing applications at the national level, including awarding housing facilities;
- The bureaucracy, and the long process for application;
- Lack of funds for the implementation of programs;
- Change in leadership and, with it, priorities;
- The issues of the urban poor in Manila are different with the urban poor in the province; and
- Difficulty in seeking legal opinion if one lives in a far flung area.

But the main issue confronting the urban poor is tenurial rights. First, the disposition of applications takes a long time. There is a significant backlog in applications, and when applications are awarded, sometimes the houses are sold off. Land grabbing is also a threat. Urban poor issues entangle with other sectoral issues, for example crime and drug addiction involving the youth are also urban poor issues.

- *Disposisyon ng mga natatayong bahay at lupa ng mga member namin. Saka*

*andami naming backlogs. Dito sa lugar namin meron kaming almost 7,000 pending applicants na pinagsisikapan kung paano siya mabawasan. - FGD*

- *Yan ang present situation namin na maraming backlog at saka maraming illegal na naganap dahil yung totoong nagkaroon ng award, ipinagbili sa may mga pera. - FGD*
- *Kadalasan kasi sa mga ano yung nirereklamo yung mga ano sa kinukuha yung mga lupa tapos walang laban yung mga mahihirap. Walang tumutulong. - FGD*
- *Ang madalas napapansin ko lang naman na problema ng urban poor yung access ng high speed internet. Katulad ngayon mga kabataan ngayon, drug addiction, crime. - FGD*
- *Pag nademolish, pag hindi ka nagpabayad, talaga idedemolish lahat. Yun lang naranasan ko yung iba hindi na kasi wala na akong ano. - FGD*

And usually, the victims of demolitions are those who have not been organized. Communities which are organized have a better chance at fighting for their rights.

- *Dapat sa loob ng barangay ang predemolition conference ganapin, hindi kung saan saan lang. Kaya dito sa amin yung mga may lupa na gumagawa ng ganyan, medyo hesitant din silang magpwersa sa mga residente na gusto nilang paalisin. Kaya para sa amin mas maganda yung organized kayo at affiliated kayo sa federation. Dahil kung ano mang problema, may masasandalan kayo. - FGD*

They need legal assistance with every threat of demolition or eviction.

- *Issue nila ay housing tenure [o] tenurial rights. Ibig sabihin yung kasiguruhan nila sa pabahay. So once sila ay hindi... Once may threat of demolition or mapaalis, ang pinakakailangan talaga nila ay legal assistance. Isa yun. So dahil agaran yung pag-execute ng mga ganung order, halimbawa writ of demolition andyan na, so kung wala po silang magrepresent sa kanila or legal representation na may magfa-file nang agarang motion for reconsideration or stop muna yung execution ng writ na yun. Yun yung wala.... So yun yung kakulangan sa atin dahil una, wala silang capacity to hire or to get legal na magtatanggol sa kanila, or lawyer. - KII*

The adjudication of cases can take as long as three years, a much shorter time when compared to other cases. Though unlike for other sectors, this can actually work in the favor of informal settler families (IFS), because this buys them time.

- *Yung cases po ay medyo matagal. So hindi siya ganun ka... Yung nasa rules kasi, yung nasa mga period na binabanggit sa criminal procedure, sa mga court procedure natin, ideal yun. Pero pagdating po sa implementation ay medyo may katagalan din.... Average po nagt-three years....Yan po pag dumating na diyan*



*sa mga appeal cases, sa appeal procedures, nagmo-more than 10 po yan. At ang tinitignan natin diyan, kahit pa tumagal as long as sana nasa posisyon po yung mga urban poor to protect their rights. So meron silang napagi-isteyan, even case spending sa korte. KII*

Local governments actually have a mandate to provide socialized housing to their constituents, but the problem is lack of resources and lack of available land.

- *Dahil nasa mandate naman po ng local government unit ang mag-provide ng socialized housing para sa kanilang mga nasasakupan, under UDHA o Urban Development Housing Act. So ang tanong lang, what if wala talagang resources ying LGU? Wala kaming lupa. So diyan na po nagkakaproblema. So papasok, kung nasa Metro Manila tayo, pwede ang NHA na nagpo-provide ng housing facility. So doon tayo magla-lobby. - KII*

The process for relocation is also not observed, and relocation sites are not often ideal.

- *Kasi under the law, bago ka rin maglipat dapat kumpleto na po yun. Unfortunately, hindi po yan nasusunod up to now kasi even the government mas kailangan nang madaliin, ilipat na sila kasi... kailangan na nga at may judge's decision na. Something like that po. So kaya nagkakaroon ng issues between the community na nag-uunahan kasi yung ibang units may ilaw na, yung iba ginagawa pa. So may mga ganun din po. So dapat napa-plantsa yan and in cooperation din yan ng different agencies. - KII*
- *Ang problema naman, ayaw naman doon sa lugar na paglalagyan nila. Yun ang problema sa loob ng organization. - FGD*

But at the root of these issues is poverty and the lack of economic opportunities, and is the story of urbanization, this will be exacerbated by continuing in-migration.

- *Actually una yung employment and livelihood. Kasi yung tingin namin, kapag naaddress natin yung unemployment problem at livelihood, ma-aaddress din natin yung problema natin sa housing. Kasi kayang maka-afford na yung mga kasamahan kahit doon sa mga low cost housing. Na hindi siya maghihintay nung mga other programs. - FGD*
- *Yung in-migration, ang malaking problema kasi pumupunta lahat. Karamihan yung mga nearby provinces ay pumupunta ng Naga City kasi tingin nila nandito ang opportunity. Halimbawa, opportunity sa housing, opportunity sa employment, education, health, at other services. Kaya yung problema namin ay yung in-migration. - FGD*
- *Kahit maliit lang na problema saka malaki, napag-usapan. Wherein talagang pinakikinggan ang aming mga hinaing, hinaing ng mga members at ng mamamayan ng Naga. - FGD*

The barriers to access to justice of the urban poor are manifold. The first is distance, which is difficult for survivors since the legal process is an iterative process requiring repeat trips. When complaints are lodged, mediation is heavily encouraged, if not the default option. Filing complaints is also time-consuming, which is difficult for women who experience time poverty.

- *Usually ang explanation...ang mga babae is, pag galing nila sa malayo, pag punta nila kung saan-saan pabalik pa sila sa next time. Kasi like for example yung mga NGO na may mga legal na services, kung minsan, hindi naman sila palagi everyday dyan. - FGD*
- *Lalo na pag single parent ka or kung wala ka talagang continuous na income may problema. And many of them kung minsan pumupunta na lang sa office magsasabing ano yan gamitin natin dito. Minsan talaga they are forced to mediation. Sana walang mediation diba. From the barangay sana walang mediation up there. Kailangan talaga i-ano yan pero many of them goes down to mediation. Mediation comes, problema lalo na pag pera, sige yung asawa mo magbigay. Kung minsan matapos ang mediation hindi naman sila magbibigay so that's another follow-up na naman. - FGD*
- *Sobrang hirap mag-file ng kaso, ubos yung oras, hindi ka makakapasok ng trabaho. Pabalik-balik ka, wala si judge. Ang daming oras ang masasayang.*
- *Hindi sisipot na lawyer, maraming oras ang nasasayang. Tinutuloy pero lagi pino-postpone dahil po sa levels. - FGD*

The receptiveness of the courts to urban issues is also another thing to contend with, although some judges have started to study urban poor rights and issues.

- *Courts: Lagi po ang issue nila ay in favor doon sa petitioner or sa complainant... Kasi pwede naman kasi pagdating sa court, pagdating sa court administration ay pwede silang hindi muna mag-order na isettle na muna yung other issues. May paglilipatan ba sila? They can do that pero mas ano sila, mas base on the spirit of the law, kung ano yung nasusulat, dahil may cause of action naman talaga. - KII*

The sustainability of a legal case itself is a factor whether they can continue an access to justice action. Another factor is the working relationship with the local government, which can provide services and alternatives should the case not prosper.

- *Yung receptiveness ng local government unit kasi dapat isa yan sa major program ng lahat ng lokal na pamahalaan, dapat may maayos na programa sa pabahay para sa mga urban poor. Kung wala namang isyu ang pabahay dahil maraming lupa, maganda, baka ibang aspetong tulong pwedeng livelihood, pwedeng financial na pagpalaki ng kanilang kita, or pwede rin na social ano*

*facilities para sa kanila, sa kanilang grupo. – KII*

There are, however, legal protections which the urban poor resort to.

- *Kahit na meron ng mga court order ay inaassert natin yung karapatan natin na dapat magkaroon ng PDC (predemolition conference) bago yung pagpapaalis sa mga informal settler na apektado. Yun yung isa sa inaassert natin para doon sa karapatan ng mga informal settlers na maaapektuhan. - FGD*

LGUs are supposed to provide them with minimum wage which they can use to pay rent while they're looking for a new place.

- *Yung kailangan meron silang malilipatan at kung wala pang lilipatan ay dapat maprovide ng LGU yung sinasabi na dapat minimum wage for 90 days na support habang naghahanap ng malilipatan yung LGU. - FGD*

To bolster cases, metalegal approaches are pursued. These are some of the best practices. The first is to anchor the issue in advocacy, for example, in housing rights, to elevate it as a social issue.

- *Pero ngayon ang housing rights are naka-ankla doon sa advocacy agenda, sa advocacy policy, na gusto namin na magkaroon ng progresibong batas para sa urban poor. That's why we changed it. Nag-level up kami into housing rights. May mga pending kaming policy sa House, sa Congress, para lang sa kapakanan ng urban poor. - KII*

Local governments are significant partners when they are sympathetic: they can provide much needed spaces for community participation, provide relocation sites and provide subsidy funds. Local ordinances provide a basis for security.

- *Ayun yun yung isa, yung resources wise but tinuturuan po natin sila na dapat ay magengage kayo sa local government kasi may isang magandang practice po yan dito sa Naga na nagkaroon talaga sila ng subsidy fund from the local government unit of Naga at meron silang binigyan na office. - KII*
- *So nakakaupo sila sa ibat ibang committee, at nakakapag suggest sila kumbaga. So, kaya nga lang, medyo political kasi kung sino po yung nakaupo, dun kayo. Kasi otherwise, baka hindi kayo bigyan ng mangandang pondo on the next, ganun po. Pero isa sa sineset aside natin yan, ang importante may, ano yan, continuous yung kanilang programa. - KII*
- *Ang pangatlo po policy din, pagpasa ng mga ordinansang paborable sa sektor ng mga maralitang tagalungsod, urban poor kumbaga. Or enforcement ng mga provisions sa law na dapat para sa socialized housing kasi marami po yan, lahat ng subdivision dapat may 20% allotted para sa mga socialized housing. - KII*

- *Pero mas tinitignan na namin na sa ngayon na po, maganda na yung... mas umangat na, mas nakikita, mas nakukuha na nila yung access to justice. Why? They can engage hindi lang po sa legal aspect. They can engage the LGUs. They can engage the NHA. They can engage other organizations para lang ma-provide-an lang sila ng kanilang pangangailangan. And because of that, mas ano yan... mas lumawak yung kanilang access. Hindi na lang doon... They can have access to social benefits. Pwedeng sabihin natin, pwedeng access to justice na po yun kasi kung meron ka nito, may resources ka, may pagkain ka, may damit ka, and makaka-enforce ka ng ibang karapatan mo. So mga ganun po. Kung kulang yung explanation ko, pa-ano na lang po. - KII*

Working with the urban poor sector instead of treating them as clients or beneficiaries ensures sustainability and surface tactics.

- *Dapat kasama yung empowerment doon sa () sa organizations, dun sa involved sa kaso. So in a way maiintindihan nila yung proseso... So yun yun isa sa mga best practices, dapat may kasamang pag-akay sa kanila, hindi lang ikaw yung gagalaw, dapat alam ng lahat ng miyembro or lahat ng sector ng urban poor...kasabay sila, kasabay sila doon sa pagharap sa problema. Hindi lang na, hindi lang yung abogado yung nag-iisip pero pagdating sa strategic assessment, litigation, pag-tactic sessioning niyo, “ano sa tingin ninyo ang mas maganda nating gawin?”. And surprisingly magaganda po ang kanilang suggestion. - KII*

**Summary of issues and resolutions confronting urban poor**

Typology of cases / Violence experienced	Support
<ul style="list-style-type: none"> <li>• Maling inakusahan</li> <li>• Grave threat</li> <li>• Gender-based Violence</li> <li>• EJK</li> <li>• Drugs</li> <li>• Police corruption</li> <li>• Dirty politicians</li> <li>• Broken barangay justice system</li> <li>• Judges not updated on laws</li> </ul>	<ul style="list-style-type: none"> <li>• Non-Government Organizations</li> </ul>
	Institutions engaged
	<ul style="list-style-type: none"> <li>• Local Government</li> <li>• HUDCC</li> <li>• Philippine National Police</li> </ul>

**3.4. DISCUSSION AND CONCLUSION**

Access to justice defined as the efficient adjudication of cases and accessibility defined as proximity of the physical courts of justice no longer suffices in the delivery of meaningful justice work. The proximity to court institutions is not an assurance of accessibility or a fair day in court. The conditions besetting disadvantaged groups' access to justice require more than addressing issues of efficiency and geographic accessibility.

While accessibility of justice mechanisms influences justice-seeking behavior, it is not the main determinant. Disadvantaged groups representatives of this study have at least at one point engaged the legal process. It is their experience of engaging or attempting to engage the process that informs their notion of being able to access to justice. What the participants of this study make more apparent is that accessing legal mechanisms is not equated with achieving justice. In other words, the institutionally embedded redress mechanisms are not synonymous with fair dispensation of justice. Addressing delay in adjudication and distance of the courts are only parts of a broader, more complex issue of reform to make justice more accessible. In sum,

- The represented groups in this study have very limited financial resources and relatively low legal knowledge and competence in engaging the state judicial system, which places them already at a disadvantage. This disadvantage is further challenged by the precarious characteristics of their groups—as having low social capital vis a vis that of their opposition(s)—marked by gender, sexual orientation, disabilities, social status, cultural identity, and historical marginalization.
- The disadvantaged groups in this study face cultural discrimination and identity-based or gender-based discrimination.
- While participants engage legal mechanisms, all the groups expressed their dissatisfaction, if not outright distrust, of government actors. Instead, they commonly derive support from support organizations that provide legal and other services.
- Trust in the system is challenged by their perception and experience of corruption, which to them reflects an imbalance of power that is skewed towards the landlords, large corporations, the rich, etc.
- The inadequate and conflicting government policies further reflect this imbalance, undermining and curtailing their rights.
- They perceive their lack of knowledge of mainstream legal processes as being used to deprive them of access to legal redress.
- Other factors such as appreciation of the courts of their complex issues, the likelihood of reprisal against actions in accessing justice, among others, are deterrents to seeking legal representation or pursuing legal cases.

- There is an alarming increase in criminalization of disadvantaged groups.
- They face multiple conflicts and need to hurdle a multiplicity of suits, for instance, in the case of farmers, one to assert their right to land, and two to fend off SLAPP suits; in the case of indigenous peoples, to respond to encroachment in their ancestral domains, address violations of FPIC, and advocate against government push for resource exploitation, all the while contending with red-tagging or being caught in the crossfires of armed conflicts; and being a woman, to address violence at different fronts, inflicted against her person and displacement caused by demolitions as an urban poor.
- Notable among disadvantaged groups is the assertion of and for collective rights or community rights (to land, resources, identity, etc.). This is the basis that underpins their fight for justice. It invites broader discussions and analysis of social justice that contemplate much more than common the “individual” controversies presented before the courts for adjudication.

Access to justice is encouraged and ensured through the rule of law. Rule of law requires a foundation built on trust. Trust, it is suggested, is built on meaningful and appropriate delivery of justice that commits to:

- Address urgent issues and existing gaps in direct legal services to disadvantaged groups: availability and competence of legal assistance, services delivered in gender-sensitive and culturally-sensitive manner;
- Address urgent issues and existing gaps in policies;
- Build the judicial system capacity and mechanisms to effectively address disadvantaged groups issues, anchored on the understanding of their contexts and the genesis of the issues they face;
- Enhance legal knowledge and capability of disadvantaged groups that truly empower;
- Create appropriate avenues to seek redress (formal and informal);
- Emphasize and provide support to address the social justice underpinnings to access to justice.

Meaningful access to Justice requires establishing a robust Rule of Law that is founded on trust and confidence in the justice system. Rule of Law is in fact now seen as an integral part of ensuring sustainable development. Sustainable Development Goal 16 is unequivocal in linking access to justice with the promotion of peace and inclusivity in the context of making development work for all. It is a conclusion that reverts to the participants’ notion of justice—how it contemplates the idea of social justice, a just society that ensures their participation in development and living their lives in and with dignity.

#### **4. QUANTITATIVE/QUALITATIVE SYNTHESIS**

Reading the conclusions of the IDEALS Qualitative Study may somewhat jar the impressions derived from the SWS Justice Needs Survey, given their dramatic differences. Whereas the sectoral groups in the latter generally assess the justice mechanisms or processes they face as fair to both parties, or can be evenly broken down to fair/unfair (apart from a few stray trends, e.g. PWDs uniformly finding the mechanisms unfair to them in the Justice Zones), in the former the focus group discussions almost consistently raised perceptions of exclusion from justice, whether systemic or deliberate, and pervasive anxiety from these groups.

The study revealed that indigenous peoples for example expressed out by inconsistent attitudes from local governments and high costs. This despite the Survey's indigenous respondents generally reporting around +55 net trust on average for the Barangay, City/Town governments, and DILG—and ironically a high +70 for Barangay governments by IP respondents in the 3 poorest provinces, a geographic region where the combination of poverty and marginalization theoretically would not make the local government attractive to indigenous peoples. (An aside: one may suspect constituent capture by the local political elite at this point, but that is beyond the scope of either study, or the GoJUST Program.)

Some results do jibe across the qualitative/quantitative divide. LGTBQ+ respondents in both, for example, generally express distrust with the institutions that govern daily living, and access to justice. Respondents' stories of their complaints not being taken seriously may substantially contribute to explain the low levels of trust they expressed for many of the justice institutions nationally, though notably their trust was higher in the Justice Zones. It also definitely explains why in responding to the Survey question which personalities LGTBQ respondents turned to in seeking information to resolve their justiciable issue, more of them answered that they turned to family and friends than to the Barangay—except notably among respondents in the 3 poorest provinces, who preferred to seek Barangay official advice, and equally notably LGTBQ+ trust of the Barangay and City/Town LGUs and the DILG was higher there compared to the national average.

There are some categorizations between the quantitative Survey and qualitative Study which cannot be so easily matched or mirrored. Women's issues raised in the Study cannot so easily be subsumed into the responses of Female respondents to the Survey. As it is, the responses of female Survey respondents usually track with male responses in majority of the questions asked. Similarly, the answers of FGD participants in Youth and Children, cannot be captured at all in the Survey, considering that the minimum respondent age being reported is 18 years old. Alternatively, the rates of dissatisfaction and difficulties being expressed by respondents in the 3 poorest provinces might seem to be indicative of the challenges and concerns being raised by the farmers/fisherfolk/upland communities, especially if 3 poorest provinces respondents were also self-ascribed minorities or had only low educational attainment (fitting the demographic profile). Therein, at least, is the observable trend that poverty exacerbates

difficulty with achieving justice. These difficulties in comparison lie in the different structures and sampling of the Study and Survey. The latter was designed to capture a picture of the larger population through clear-cut questions that allow for quantification of experiences and sentiments; the former was a far more intimate look into the disadvantaged groups (and more disaggregated than the categorizations in the Survey) that deliberately captures the highlights of their marginalization and exclusion to contrast with the mainstream population.

But what the Quantitative Survey and Qualitative Study do reveal, though, is one important commonality and one important difference in how each study captures the Filipino experience of justice. The commonality is fairly easy to spot: respondents in both Study and Survey declare a concept of justice that is responsive to their needs, that is rooted in an idea of right and/or fairness, that should not discriminate against or be captured in favor of a select group, and that is important to peace and security in their daily lives. In short, Filipinos across geographic and demographic divides share a roughly similar idea of what justice should look like. It is the discrepancy between that image and their actual experience of justice from the institutions and personalities tasked to administer justice, that drives the character of their respective responses to the Survey or the Study FGDs.

The important difference is that a wide-ranging Survey reveals a general population (including the sectoral groups) whose justice concerns more often than not revolve around the mundane, that are somewhat resolved even privately (and with a greater preference for the informal or summary/rapid over the formal and drawn-out), and in which there is moderate if not greater trust for many of the justice institutions (the jailers being the worst off). Whereas the Study, with its focus on the experiences of sectoral groups country-wide, reveals expressions of anxiety and frustration that dramatically impact the FGD participants' and their peers' lives, whose resolutions can (only) come about with legislative reform and dramatic changes to local institutional and social cultures that underpin the adverse bias.

This discrepancy does not necessarily invalidate either result, even considering identifiable inconsistencies between the Study responses and Survey responses (again, the indigenous peoples' responses in both is indicative). Earlier it had been expressed that the quantitative and qualitative sides of this overarching study are two sides of the same coin. More than that perspective, the discrepancy in our opinion in fact reveals what this study holds are the two arenas the Philippine justice sector must address to demonstrate to the population, and thus garner their trust, that the sector stakeholders are responsive to their needs and requirements, fair to all the parties, and can be trusted as an option of resort for those with justiciable issues or legal complaints.

#### 4.1. HIGH JUSTICE AND LOW JUSTICE

In political science there is what is known as the divide between “high politics”, matters usually involving international relations and national or federal-level political dynamics, and “low politics,” the more “mundane” affairs including the domestic economy and



policy-making, local peace and order, and more humanitarian matters. Similarly, the Study and Survey reveal an experience or perspective of Philippine justice than can be described as either “high justice” or “low justice.”

High justice is what the IDEALS Study unveiled. Using the corollary to define it, the respondents therein expressed an experience of High *In*justice in their narratives of exclusion, distrust of government institutions to resolve their concerns, and indifference or even active abuse from powerful figures or even those who are tasked to respond to their needs. Resolving this exclusion so that these sectoral groups, at the very least, can live a respectable life peacefully, economically, and socially—the broader idea of social justice and human dignity—is the key response they seek from the justice sector. This includes the most basic protections and entitlements—think of the farmer/fisherfolk, uplanders, and indigenous peoples who fear reprisals and red-tagging for their advocacies and demands; of the call by women, LGTBQ+, and the Youth sectors for recognition and accommodation of their unique perspectives and needs in mainstream institutions and society; of PWDs seeking participation in social life which is accessible in consideration of their disabilities. As such, the recommendations suggested by the FGDs also include systemic legislative reforms and adjustments of socio-cultural attitudes as it does (or more than) bureaucratic/administrative reforms aiming at front-line efficiency and effectiveness, dramatic efforts that go beyond improving administrative efficiencies.

Low justice is what the SWS Survey captured. It concerns with the mundane, even petty demands of the population for resolution of their course-of-life issues. Often, especially in a country where the (actual reality of) local peace and order situation is relatively stable if not peaceful, these concerns revolve around common complaints arising from the demands of everyday life: settlement of loans, debts, and rents; securing fair prices for goods and services; the definition of property rights and entitlements; the smoothing of neighborly hurts and troubles. To reiterate from the Survey’s results, the distribution of issues faced by the respondents suggests that the justice sector, on average, must address multiple cases of the whole range of justiciable issues that the population can bring to it: from petty rent squabbles and slanders to violent crimes and heavy financial losses. But the ones more frequently reported are the mundane matters; again, looking at the Survey’s Table 21, graver crimes, constitutional issues, or public policy matters (e.g., gender equality) do not figure highly among the top responses. As such, while the results may still be able to inform systemic reform, generally application of the results are geared towards improving effectiveness and efficiency in the administration of justice, nationally and for specific geographic and demographic divisions.

This discrepancy between high justice and low justice does not say that just because a matter is “low justice”, it does not mean that the matter is not urgent for a respondent. Credit card debt or a loan being foreclosed on may, in the bigger picture, hardly compare to systemic LGTBQ+ exclusion, or violent reprisals towards indigenous peoples and agrarian reform advocates. But for an individual who lives paycheck to paycheck and for whom both the actual foreclosure or collection, and his legal needs to

protect his rights, may just be as life-or-death, dignity-or-destitution, as the issues faced in high justice.

Anecdotally as well, there is intersectionality between high justice and low justice issues, in that the mundane challenges faced by sectoral respondents can be amplified by their marginalization and exclusion, whether it be the gravity of the issue they face, or their lack of means to effectively resolve their issues. The loan burden faced by the mainstream Filipino, for example, may be a different experience from the same burden faced by a tenant farmer (falling in the farmer/fisherfolk group). In the Study, the Women respondents have pointed to the intersectionality among poverty, gender, and violent or serious crimes they fall prey to, a perspective not so easily captured by the breakdown of 37% respondent, 33% other party, 31% both parties had sufficient resources to deal with their justiciable issues the Survey uncovered (in Chart 81).

(But that is why the Study is the other side of the coin that the Survey is part of. Because the Study's design specifically targeted the sectoral groups and their unique experiences of justice, it catches what the Survey could not catch, or could only catch in the aggregate and without context. Conversely, the Survey can capture the "bigger picture", nationally and categorically, the Study was not structured to examine.)

This is not a discrepancy meant for the Philippine justice sector to prioritize one or the other; the sector stakeholders must address both with sufficient attention to register both improvements in service delivery and garner increased satisfaction and trust ratings from the beneficiary population. And in fact, addressing one tends to help in addressing the other: improving case/issue resolution speed and fairness at the low end for sectoral groups would contribute towards addressing the exclusionary and discriminatory concerns raised by these same sectoral groups in the Study FGDs, for example. In return, the structural and actively discriminatory attitudes, practices, and obstacles identified by the marginalized provide guidance to improving the sensitivity and responsiveness of low-justice casework so that issue resolution even over the mundane matters will not discriminate against urban and rural poor, the gender-disadvantaged, cultural minorities, or the youth on account of their unique circumstances.

#### 4.2. A PICTURE OF THE BENEFICIARIES OF THE JUSTICE SECTOR

Overall, the synthesis of the Study and Survey findings show that the Filipino population, at the mainstream level:

1. Has a fairly mainstream, ideal image of justice and their right to it;
2. Find satisfaction for their justice needs is achieved through the fair, responsive and effective resolution of their disputes;
3. Often self-start in resolving their disputes by attempting to negotiate and settle with the other party, and in most cases is able to achieve a satisfactory result in doing so;

4. If unable to resolve the matter privately, by then they will engage mediation or adjudication through third parties, and this third party often times may be informal personalities such as family and friends, or religious, community, and social leaders, as much as it could be state authorities (and the Barangay being a major if not strong preference for respondents);
5. Find better rates of satisfaction in dispute resolution from engaging with Barangay conciliation, community or religious leaders, and private resolution than they do from engaging with the regular court system or specialized dispute resolution agencies, in fact majority of their disputes are resolved without/before reaching formal resolution through the courts;
6. Many but not all find the formal mechanisms for dispute resolution fair to both parties (except with regard to the specialized dispute resolution agencies), and while for the most part not exorbitant in cost, nonetheless face difficulty in coming up with the necessary funds to pay for legal resolution.
7. The poorer or the more excluded a certain person is from the mainstream Filipino population, by reason of economics and/or identity, the greater is their sense of dissatisfaction in and distrust of the institutions of justice, and they look to responses from these institutions that are more sensitive to their needs and better address their specific demands and unique contexts. (*But* there is an observable correlation between the Justice Zones and improved experiences for some sectoral groups that may suggest that this can be achieved.)

The impressions of justice revealed in the answers of the Survey Respondents and Study participants are, in the final analysis, one and the same for both. There is no argument between both about the principles of the ideal access to justice: fair and through due process, equity of access, where the parties liable for injury or loss are punished or held accountable, where justice is achieved swiftly or promptly. Respondents and participants can only speak to their own experiences, though, and while the Survey reveals a population that is more or less complacent (not fully satisfied, but not aggrieved either) at the aggregate level with its access to justice needs, the Study shows that vulnerable groups remain anxious about their prospects facing the justice sector with their own issues, conflicts, and complaints.

Some highlights of the findings. The strong responses of disapproval and dissatisfaction directed by the 1% of total Survey respondents who had their issues resolved through the specialized agencies might carry indicators hewing closely with the dissatisfaction expressed by Study FGD participants. Some of these specialized agencies involve jurisdictions which intersect with some sectoral groups: NLRC for labor (urban poor), DARAB for farmers and tenants. Now, without delving deeper into the motives for these respondents' answers, it cannot be told from the Survey data alone if the systemic or abusive obstacles raised in the FGDs are responsible for the dissatisfaction the Survey picked up on. This is something to pay attention to however, as while these agencies do tackle justiciable issues, they operate independently of the regular court system (even though their decisions are appealable or at least reviewable under specific circumstances by the higher courts). Moreover, many of these agencies are not a formal part of the justice sector.

Survey results demographic breakdown by age, educational attainment, or sex (outside of LGBTQ+ identities) do not at first glance indicate any dramatic deviation from mainstream observations that suggest they would be a factor in significant differences in experience, response/behavior, satisfaction, or trust in the justice sector. SWS does indicate where more females than males or vice versa figure for each survey question, however, and a deeper statistical analysis of the data may reveal if these differences may be statistically significant.

With respect to how this differs from the responses of Women in the Study FGDs, and recalling how violence and gender discrimination did not figure highly as a frequently reported justiciable issue statistically in the Survey, we question if the systemic gender violence and fear of reprisal (as well as the very natures of intimate partner violence and sexual harassment) does contribute to less women admitting even in an anonymous survey to having encountered these justiciable issues, or that they were aware that it was happening at all, thus leading to the low rate of responses admitting to domestic violence or sexual harassment. But it may also be the case that precisely the Study FGD methodology is designed to capture and highlight these instances even if they are rare with respect to the rest of the population. It would be useful to compare the Survey data set against statistical recordings of domestic violence and violence against women instances in the Philippines, but this may be beyond the scope of the present assignment.

There is the observation from the Survey though that demographic breakdown by sectoral group and at the 3 poorest provinces level do have an appreciable if not significant impact in the experience of justice therein. Almost consistently—and especially for Lanao del Sur—respondents from the 3 poorest provinces would express, to a greater or lesser degree, more negative sentiments or assessments compared to the national average. Responses from the sectoral groups tend to be more scattered compared to the trends in the 3 poorest provinces—positive in some areas, more negative than the national average in others—but there are some observable trends of dissatisfaction.

As earlier noted, Survey responses from some sectoral groups like LGBTQ+ respondents, self-ascribed minorities, and indigenous peoples' groups indicate dissatisfaction and negative experience/s that tend to dovetail with the reports given by their respective sectoral group FGDs in the Study. These disclosures in the latter give appropriate context to the observed data in the former. The low trust ratings given by LGBTQ respondents in the national average towards the Barangay and City/Town LGUs, the police, government departments, and the courts are reflective of the sense of indifference, bullying/coercion, and fear of reprisal and impunity therefore expressed by the LGBTQ discussants in the FGD.

The dovetailing is not as necessarily apparent for indigenous peoples, for example: the average trust ratings given by IP respondents nationally to the Survey (excluding the national government rating, thus focusing the responses to the prime justice sector

stakeholders) is around +54, which by SWS definition is on the lower half of “very good.” “Very good” and some answers in the Survey (e.g., the majority positive IP response that they felt they were “treated with respect” throughout the process of resolving their disputes) would not jell well with the indigenous peoples’ FGD’s expressions of fears of reprisals, inconsistency in the attitudes of and support from the LGUs and government agencies, and the lack of adequate legal resources. However, IP Survey respondents’ answers elsewhere in the SWS Survey do dovetail with the FGD discussion: a small but significant number of indigenous peoples’ Survey responses positively answered that the other party resorted to threats or violence during dispute resolution; unanimous responses from IP respondents in the 3 poorest provinces that they took no action to resolve their dispute (compared to 26% nationally answering the same), admissions of lack of resources and difficulty to secure resources to research their justiciable issue or to resolve their problem.

To reiterate from earlier, the challenges faced by urban and rural poor identified in the respective FGDs are not so easily captured by the Survey, given that the Survey did not specifically identify them as a sectoral group for data disaggregation, not even within the 3 poorest provinces or within the urban Justice Zones. It thus becomes difficult, at best, to contextualize the Survey data with the Study FGD data—apart from the aforementioned intersectionality between specific specialized agencies and the sectoral groups.

The Study FGD results from the PWD community holds a far greater consistency in the expression of anxieties arising from disability, than is apparent from the Survey results from PWD respondents, which if taken together appear to be scattered. There are times that the PWD responses in the Survey would track with results either from the Philippine mainstream population, or from other sectoral groups in the Survey. But there are some “oddball” results such as practically *no* PWD respondent consulting any source of information to better understand their dispute, or for some reason the negative experience responses of PWD respondents in the Justice Zones (and lower trust ratings for the justice sector stakeholders compared to the national average), although this can be accounted for by the fact that PWDs constitute a miniscule percentage of respondents both nationally and in the Justice Zones: a negative experience by one or two in the Justice Zones would have had a huge percentage impact for PWDs in total. But if that negative experience of the Survey respondent is precisely what the Study FGD had warned of, then even more reason for the latter’s concern, consistently expressed, to inform future policy and attitudes regarding PWD beneficiaries of the justice sector. (And more than that, considering the negative sentiments were registered *in the Justice Zones.*)

A key factor to consider is access to legal resources, and especially legal assistance. The Survey shows that online sources and social media have dominance in the way Filipinos obtain legal information, especially in Metro Manila and the rest of Luzon. However, traditional media, especially television, remains an important source outside of these regions, and especially for the poorer regions and among indigenous communities. But while the means to obtain legal information may not be lacking, the

resources to conduct one's legal fight is not necessarily assured. A respectable trust in lawyers notwithstanding, the behavior of ordinary Filipinos captured by the Survey reveals that the legal professionals are called in once the individual concerned has decided they would address their justiciable issue definitively—in other words, if as the complaining party, they are right before, or at the stage of saying proverbially "*Magkita nalang tayo sa korte.*" Obviously for a responding party, they would have no choice but to secure their counsel for their protection. And on that note, the Study FGDs reveal marginalized populations urgently calling for counsel competent not only in the law of the land, but in their respective unique contexts and needs.

It is the Survey's design to capture data from the Justice Zones that may prove most useful—and one which a future Study FGD might pay attention to, in order to establish similar lines of comparison therein. It is admittedly not consistent, but there are observations from the Survey results where it is possible to see a more positive experience or responses from Survey respondents in the Justice Zones, with respect to issue resolution and satisfaction, vis-à-vis the national average (and there seems to be variance even among the Justice Zones themselves). This assignment identified such observations in the Quantitative Survey discussion precisely for this reason.

Looking at the net trust ratings, at the national level it may seem that there is no difference at all between Justice Zone respondents and the national average in their trust in the justice sector. It is in the sectoral groups however that the difference becomes apparent: not in all, but in a majority of the results sectoral respondents in the Justice Zones give higher trust ratings for the justice sector stakeholders than is given at the national average (apart from lower trust ratings given by PWD respondents in the Justice Zones). Given GoJUST's emphasis on improving the delivery of justice especially for marginalized and disadvantaged groups, it would be interesting to see what accounts for these increased trust ratings by sectoral groups in the Justice Zones from the beneficiary perspective—something that could be captured by sectoral FGDs structured to look into this (or even disavow it, if the FGD participants could not give their own experiences with these trust ratings or other survey responses).

One more thing to consider from the Survey, and which should be considered in light of the responses in the Study, is the role informal leaders, elites, and agents can play in the justice sector. Survey respondents rated religious and community leaders more highly than the regular courts (save the small claims courts) and other formal agencies apart from the Barangay, in resolution of their respective issues, and in net trust in the concerned personalities. It may also be taken of notice that such traditional, community, religious, and civil society personalities play a significant, even key role in advocacy and political engagement for the marginalized and sectoral groups.

In conclusion, the Justice Needs Survey reveals a Filipino population that, on the main, is sometimes satisfied but still ambivalent about the country's justice sector and what they can expect from it. Sectoral marginalization and geographic poverty do have appreciable effects, generally negative, on the concerned respondents' experience of justice services. The IDEALS Qualitative Study reveals systemic obstacles to and

disadvantages of marginalized or disadvantaged sectoral groups in achieving just outcomes to their justice problems, which might be apparent in but not appreciable from the results garnered in the Survey, which tends to capture the average Filipino experience of justice being concerned with closer-to-ordinary issues and disputes.

Thus, the combination of both studies, more than any cross-cutting comparisons between the data sets, reveals a high-low mix of justice concerns that the justice sector stakeholders must address. Study respondents point to longstanding demands for reforms and structural adjustments in governance and mainstream society which allow their respective communities to flourish and find a peaceful life in society, and in particular legislative protections (the “high justice”). The Survey in turn reveals the geographic and demographic areas where respondents feel more or less satisfied with the delivery of justice; their trust and satisfaction with justice sector stakeholders, and the material/financial and other logistical (i.e., information) challenges and resources in resolving their issues; as well as a picture of the kinds and frequencies of potentially legal/judicial issues they face and try to resolve (and how). Such information can lead to targeted improvements in the administration of justice from an effects-based and beneficiary-focused perspective in peoples’ everyday lives (the “low justice.”)

Finally, with the Study respondents’ desire for legislative reforms and inclusiveness in the agencies meant to deliver justice to their concerns, and in the Survey’s identification of nonformal means of dispute resolution and specialized non-Judiciary agencies as part of the experience of justice, the entire assignment reveals, if not a necessity for expanding the membership of the justice sector, then at the very least, a greater degree of appreciation and inclusion of these personalities and entities in justice reform and delivery. They could not have been party to GoJUST I and its emphasis on sectoral cooperation and coordination, but “putting people at the center of justice” will, in light of this, require that the priests and imams, the elders and community leaders, the arbiters and mediators must become beneficiaries of, if not participants in, GoJUST II as well, at least to some degree that will support their efforts at conflict resolution while allowing them to perform their primary roles in society apart from the justice sector.

## **5. OVERALL CONCLUSION: INDICATORS OF PROMISE, AND FUTURE GROWTH AREAS**

Ultimately, the whole assignment must gear itself alongside the objectives of the GoJUST II Program, which is “is to contribute to inclusive and sustainable socio-economic development through improved access to justice for all,” which is to “put people in the center of the justice system.” GoJUST I’s emphasis on developing and implementing greater coordination and process reforms among the justice sector stakeholders was always going to be a state-centric, state-focused affair. The final grade, however, is not a marker that could be, even in good faith, self-assessed by the justice sector: it had to come from their beneficiaries.

The Quantitative Survey and Qualitative Study which came about because of the present assignment thus carries a two-fold purpose. The first, and this was foremost on the minds of the GoJUST II participants, was that each would deliver a picture of the access to justice needs and experience of the Filipino people, general but also as granularly as possible, in each study’s respective strengths. From this lens, SWS and IDEALS delivered the data as promised; beyond the interpretations and recommendations made in this presentation, it is in the hands of the justice sector and their participation in GoJUST II to implement the data and have it inform their efforts.

Yet on further analysis, it is the second purpose, revealing itself over the course of this assignment, that is most instrumental to meeting objectives in the Key Results Areas, especially Areas 3 and 4: “Increased access to the justice system for vulnerable groups, including women,” and “Justice Policy and practice is informed by evidence and responds to justice needs.” The conduct of the Survey and Study provides a structured methodology by which GoJUST and the justice sector can measure their respective successes. As SWS noted, the Justice Needs Survey is a first-of-its-kind for the Philippines. In counterpoint, the FGDs IDEALS conducted for this assignment are not unique in the field or to the Philippines, but if not the first time, then the present assignment provides a prime opportunity to integrate such deep consultation and introspection from justice beneficiaries in the margins to reform efforts within the justice sector.

At this juncture, we recommend that this methodology become or be adapted as an integral part not just of the GoJUST program moving forward, but of the justice sector’s self-assessment, service improvement, and large-scale reform efforts, to achieve an evidence-based and responsive justice policy and practice. The methodology can be improved in some areas: qualitative studies can focus on the same geographic and Justice Zones differences that the Survey has allowed for, in order to identify where certain localities have treated marginalized groups better, in which agencies or LGUs the disadvantaged give greater trust, and why they do so. Surveys, in turn, can appropriate the key concerns and reforms desired by FGD respondents as areas to investigate, questions to ask of the population in general, in order to better capture survey respondent sentiments about their experience of justice. Honing the methodological tool gives the justice sector a better lens with which to picture its



beneficiary population, and itself for that matter. Making the exercise periodic will allow the justice sector to establish a rigorous historical record of its reform efforts and its effects, and to embed reform both within the government bureaucracy and the larger public.

On to GoJUST-focused results. There are notable, though admittedly not dramatic, indicators from the Survey that suggest that in the Justice Zones which GoJUST has been supporting, beneficiary populations rate a more positive experience of engaging with the justice sector for dispute resolution than in the rest of the country. This improved experience tends to be more positively rated for sectoral groups, and this may reflect in the increased net trust ratings Justice Zone respondents nationally give justice sector stakeholders than in the rest of the country. (PWDs in this case are a notable exception, for a reason not readily indicative from the Survey data.)

The Survey reveals a large reliance by Filipinos on privately and amicably settling many of their disputes without resort or elevation of the conflict to the justice sector, such that the combined incidence of resort to Barangay conciliation and the court system still ranks second to private settlement among the respondents' actual practice. The Survey also shows an increased preference for the Barangay's role in dispute settlement, and a significant role that non-justice sector personalities such as religious leaders, tribal elders, and community elites, as well as family and friends, play in mediating and settling conflicts—and the increased trust and satisfaction the population has in the Barangay and non-formal entities and personalities compared to the court system and other government agencies.

Of course, the above findings are with respect to such disputes that can reasonably be settled at a low level—the Survey suggests that course-of-life and mundane concerns are the more frequent justiciable issues that the respondents faced and needed resolution for; larger-scale problems involving crimes and felonies, materially graver matters, or public policy matters usually escalate to if not are required to be adjudicated by the court system. And on that note, satisfaction with and preference for the Barangay notwithstanding, Barangay conciliation is a formal part of the Philippine court system (as a *sine qua non* of many civil and petty criminal cases), so a lot of the appreciation for the Barangay may also be attributed to the legal system itself sorting out which cases need to be elevated to the courts, with all its toil and travails.

A surprising and concerning issue raised by the Survey results points to a deep dissatisfaction with specialized dispute resolution agencies. These concern matters which by law are dealt with not by the regular courts (which enjoy middling satisfaction ratings though “good” trust ratings nationally) but by these issue-specialized agencies which notably are not among the Justice Zone stakeholders. (If any of the Survey respondents indicated the Philippine Mediation Center as an agency they were dissatisfied with, not apparent from the results aggregated, then this becomes an even greater concern: mediation through the PMC is an integral part of a given civil case's procedural course.) Given what is apparently a unanimous distaste for and distrust of such agencies, despite that these agencies are involved in course-of-life issues such as

employment or agricultural tenancy, or serve important dispute-resolution roles, it is possible GoJUST may have room to expand in these agencies.

For both Barangay and non-formal dispute resolution mechanisms, considering the Survey reveals that, while the justiciable issues Filipinos face are diverse and widely distributed, mundane and petty household/domestic and neighborly conflicts appear more frequently than serious matters such as felonies/crimes and public policy matters. Addressing as many of these issues as possible before the matter is elevated to the formal courts further reduce the caseload the courts must address. This improves the judiciary's own delivery of justice services by helping them concentrate on matters that absolutely require judicial adjudication. On that same note, because the point of specialized dispute resolution agencies is for the courts to offload certain cases to their technical expertise, there is need to improve their delivery of justice as well—even if such agencies are not traditionally members of the justice sector.

Whether or not the high satisfaction placed in Barangay conciliation and dispute resolution efforts comes from their legally mandated role in case procedure, or social and cultural trust placed by local populations in their local leaders, both this finding of the Survey, and the concerns raised by Study FGD respondents that the local government may either be inconsistent with, or at worst diffident and even hostile to their needs, call for attention to Barangay LGUs not just to strengthen their existing role in pre-trial conciliation efforts, but generally their opportunities to promote peaceful resolution of conflicts in their jurisdiction, and improve their mandates to protect and respond to constituent needs, especially disadvantaged groups with legal powers and material resources. They are also convenient venues to further localize the delivery of urgent legal resources, not just of information but also of personnel as well, either as sites of deployment or to coordinate between their constituent and the personality/agency concerned (e.g., PAO or pro bono lawyers, courts, police and BJMP/Bucor; gender-based, youth, and PWD desks or officers), so as to help reduce the burden on the beneficiary constituent.

The qualitative side unveiled by the IDEALS Study highlight what are continuing obstacles faced by urban poor, farmer/fisherfolk and upland communities, indigenous peoples, women, LGTBQ+, and the youth in achieving justice and equity or parity in the experience of justice among the Filipino mainstream/rest of the country. These systemic obstacles include: disregard and lack of understanding, of their immediate and urgent needs or of their unique circumstances; apathy and indifference, even hostility to the instances they raise their grievances with the authorities; logistical disadvantages due to poverty, distance from necessary resources, or lack of infrastructure and government support; direct abuse and aggression either to deprive them of property and goods, of their voice and participation in society, of their dignity, and integrity in body and identity, and/or of their peace, safety, and lives; the absence of legal protections which allows them to call the state to actively protect them from harm, or to hold those liable for their losses and injuries. There is also mention of the intersectionality of these structural injustices, vulnerability to violence, and poverty which exacerbates their situation, and the injustice they feel afflicted with.

Thus a common refrain from the FGD participants in all sectoral groups are direct, concrete reforms tied to addressing these systemic, structural obstacles. Some, such as women, youth, and LGBTQ+, call for enactment or implementation of laws meant to address their iniquities. Others such as indigenous peoples, urban and rural poor, demand the state recognize their rights and entitlements to their homes, properties, and labor, and additional government supports in light of their material disadvantages. Though not from all the sectoral groups, many do raise the necessity for cultural adjustment especially from government agencies and personalities, so as not to feel excluded, ostracized, belittled, or simply bullied every time they engage with the state. Some of this can be achieved within GoJUST II's ambit of improving stakeholder coordination and cooperation, and in dealing with the beneficiary public. Others will require intervention or participation of state entities outside the justice sector.

With regard to the justice sector, all commonly call for greater sensitivity from the courts and other sector stakeholders. With women, youth, and LGBTQ+, this pertains to their identities as it informs and structures their vulnerabilities to injustice. For indigenous peoples, this extends to their ways of life and cultures in which their own mechanisms of dispute resolution are ingrained. PWDs, and the urban and rural poor point to their respective disadvantages as factors which the courts and the state should be aware of, whether it is the disadvantaged of the physically disabled, or urban residents about to be thrown out of their homes. There are direct demands for resources to be made available to them at the front lines: the LGBTQ+ community suggesting the creation of LGBTQ+ desks analogous to women's desks in police and LGU offices and PWDs looking for like representation within frontline agencies; direct legal assistance for indigenous peoples and urban poor communities when they face urgent legal challenges.

Even considering this exercise of the combined quantitative Survey/qualitative Study methodology is a first-of for the Philippine justice sector, and even if it may yet be too early to call definitive judgments on the results from both, or from the GoJUST Program's support of Justice Zones in general, there are positive indicators that hold promise and point to future opportunities and needs for the Program. The Survey suggests that, for the most part, the sectoral groups' experience of justice in the Justice Zones is markedly more improved than the rest of the country, especially looking at the net trust indicators the justice sector stakeholders enjoy from demographic sectoral beneficiaries in the Justice Zones. Given the GoJUST Program's thrust of improving delivery of justice services to these marginalized and disadvantaged groups, this is a positive development worth looking into. The rest of the country does not share this increased trust, however, albeit they still hold (a) "good" to "very good" trust in the justice sector stakeholders, though (b) generally ambivalent satisfaction in the formal dispute resolution mechanisms in the courts and elsewhere in government, and is an area for improvement.

The assignment also reveals the potential to expand the stakeholders in the justice sector to include, or at the very least coordinate with, nonformal mechanisms and

personalities of dispute resolution. The high trust placed by Filipinos in religious leaders, and the satisfaction found in resolutions ushered through their auspices and that of community and tribal leaders, should bring serious consideration of their potential contributions to justice sector reform. Apart from what they already do in the field for conflict resolution, they may also serve as valuable allies in building a constituency and public support for reform efforts, and especially to drive forward needed legislation.

All in all, this assignment reveals, in hindsight, what else has been lacking in Philippine justice sector reform besides interagency cooperation addressed in GoJUST I. It had been lacking reflexivity, especially a structured reflexivity grounded with a theoretical foundation, the ability to inform and orient justice sector practice with clear observations from the field, and insulated from pressures political and otherwise disruptive, between the justice provider (the justice sector) and the justice beneficiary (the people). The combined Study/Survey gives the justice sector and the GoJUST Program the ability to capture snapshots of the state of delivery of justice to the Filipino people, granular enough to allow analysis to target key areas for improvement and identify positive performance; deep enough to address the anxieties especially of the most vulnerable peoples and help establish parity between their experience of justice and that of the mainstream. The key reforms suggested or implied by the results herein are worth pursuing and implementing, as these are the demands the people make of the justice sector. The findings reveal a need from the justice sector, and initial signs of success in the Justice Zones, in meeting the demands for both “high justice” and “low justice.” But the methodology itself, this approach of gauging justice sector reforms’ success by the experience of its beneficiaries, is key to bringing about GoJUST’s aims for Philippine justice policy to be data-driven, empirically informed by evidence, and ultimately to put people at the heart of justice.

## **6. RECOMMENDATIONS**

1. Institutionalization (and further adaptation/fine tuning) of the Justice Needs Survey and Access to Justice Sectoral FGD Studies as a periodic review of the Philippine justice sector's responsiveness to and degree of satisfaction from the Philippine public, and as a mechanism of assessing and tracking the progress and successes of Justice Zones vis-à-vis rest of the country in the measured metrics.
  - a. Adapt the JNS by expanding the surveyed sectoral groups to include identification of urban and rural poor and youth sector respondents (either by expanding the number of respondents to increase likelihood of capture, or a separate survey covering sectoral groups), and by incorporating the key concerns and anxieties identified in the FGDs for questioning.
  - b. Adapt the FGD Study by including Justice Zone categorization of the participants to identify if improvements in justice governance in the JZs address sectoral group concerns, and/or lead to increased satisfaction and trust from said groups.
2. Incorporating the Barangay Justice system and Barangay Lupon/Lupon Tagapamayapa/Barangay conciliation personnel into wider GOJUST program and Justice Zone coordination at both JSCC and Justice Zone levels, either by direct participation or by directing programs to their benefit.
3. Expanding scope of GOJUST to include the specialized dispute resolution agencies (quasi-judicial agencies) falling outside of the justice sector stakeholders' jurisdictions, or not already participating in JSCC/Justice Zones, e.g. National Labor Relations Commission under Department of Labor and Employment, DAR Adjudication Board under Department of Agrarian Reform; or at the very least directing efforts to improve their delivery of services and establish similar evidence-based policy-making and execution as for the JSCC/Justice Zones. (Especially if the agency concerned interfaces with a sectoral group, e.g. indigenous peoples, rural poor.)
4. Potentially inviting the informal personalities and entities involved in conflict and issue resolution, e.g. traditional and tribal leaders/councils, religious leaders (individually or through relevant organization) to participate in Justice Zone efforts directed to beneficiary population, or to offer contribution to wider efforts.
5. Establishing specialized "desks" within justice sector front-line offices and agencies akin to Women's Desks already extant in LGUs and police precincts, or representative personalities (increasing inclusion), for other sectoral groups such as LGBTQ+ and PWD communities.

6. Passage of protective/securing laws (e.g. SOGIE for LGTBQ+), or improved implementation and enforcement of existing laws and policies, to protect vulnerable sectoral communities against retaliation and harassment for invoking their rights or raising grievance.
7. Recognition by state institutions of unique circumstances highlighting rights needing respect and protection (e.g. cultural identity and institutions re: indigenous peoples, gender identity for women and LGTBQ+, right to shelter/housing for urban poor, right to land for tenant farmers).
8. Access to material, informational, and legal resources and assistance to disadvantaged communities, owing to and taking account of: distance from mainstream population centers or nearest loci of services, poverty, physical and mental disability, cultural and social boundaries/differences, high costs of legal service and sustaining a legal case.
9. (Civil society-led) organizing of disadvantaged communities (and implicitly the protection of the right to organize), particularly of farmers/fisherfolk, women, urban poor.

**ANNEX “A”: SWS JUSTICE NEEDS SURVEY, FINAL SURVEY REPORT**

**ANNEX “B”: IDEALS ACCESS TO JUSTICE FINAL REPORT**