

# Reg(u)arding Indigenous Environmental Discourses in Philippine (F)laws

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## ABSTRACT

The main proposition of this research is to establish the inherent overlap of environment and culture in the Agta-Dumagat consciousness, and how this influences environmental policy-making. To answer this, this research sought to locate the cultural angle in overarching laws on environmental protection and establish the influence of these laws on how the Agta-Dumagats frame their material-symbolic discourses. RA 7942 and PD 705, focused on mining and forestry management, contain conflicting views both on state and indigenous ownership and utilization of natural resources—two of the major causes of environmental degradation identified by the Agta-Dumagats. Interviews with SAGIBIN-LN council of leaders and surveys on human-nature relations showed that their narratives are characterized by a sense of desperation as they shared stories replete with oppressive themes. If they are regarded as minorities in situ, the Local Government Units would be hard-pressed to consider their legitimizing indigenous voice on climate change.

## KEYWORDS

Cultural Consciousness, Environmental Behavior, Environmental Communication, Environmental Conscientiousness, Environmental Policies, Material-Symbolic Discourse, Philippine Laws

## INTRODUCTION

The Philippines and Madagascar are the only two countries in the world which are both a megadiversity country and a biodiversity hotspot; “hence, every parcel of land that is converted, cultivated, or developed likely will result in the loss of unique life forms found nowhere else in the planet” (Ong, Afuang & Rosell-Ambal, 2002). Further, because “the Philippines probably harbors more diversity of life than any other country on the planet, overexploitation, deforestation, land degradation, climate change, and pollution (Biodiversity Management Bureau, 2016), all contribute to the continuing degradation of the Philippine natural environment.

According to the US Agency for International Development (2016), “[t]he Philippines is also one of the world’s hotspots with a large number of endangered and threatened species—making it a top global conservation priority area”; further compounding to the problem is the fact that “[t]hirty percent of the population, including 12 to 15 million indigenous peoples, resides in the uplands where most of the forests are located. These forests provide timber and non-timber products totaling \$100 million in net benefits yearly.” The economic potential that the forests hold and the different

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extraction methods needed in order to “make use” of the natural products poses as legitimate threats especially to the Agta-Dumagat living in the forests.

The UN Declaration in the Rights of Indigenous Peoples (UNDRIP), outline the basic rights of the indigenous peoples; foremost is their collective ownership of territories (Articles 26, 27), where all other rights (on sovereign use and practice of traditional beliefs and rituals are hinged (Articles 3, 5, 11, 18, 19, 31, 32)) (Cariño, 2010).

There is an inherent overlap between environment and culture in the context of the Philippines because ninety-six out of the 101 terrestrial key biodiversity areas are part of the ancestral domain of the indigenous peoples (DENR-BMB). While some have already been granted their ancestral domain certificates or titles, more indigenous peoples (some of whom are the Agta-Dumagat) are still waiting for the government to award their titles. This legitimizes the Agta-Dumagat’s desire to be awarded the CADTI (Certificate of Ancestral Domain and Title), in order for them to be appointed as sovereign owners of their land.

The Agta-Dumagat are scattered over Regions I-V in Luzon, the Philippines, and they belong to the Negrito ethnolinguistic group ([ethnicgroupsphilippines.com](http://ethnicgroupsphilippines.com)). Specifically, the Remontado Dumagat live mostly along the Sierra Madre mountain ranges of Rizal and Quezon provinces. Being semi-nomadic, they roam around a specific geographic range but only within what they consider as part of their “home base” (Noval-Morales, 2015). Due to encroachment of non-indigenous peoples on lands that were once theirs, they have been forced to move further up in the more remote areas of the mountains (*ibid*). Their primary subsistence is through hunting, where they “kill birds, wild deer, monkeys, and wild pigs and exchange them for starchy food and other goods with nearby farmers” ([ethnicgroupsphilippines.com](http://ethnicgroupsphilippines.com)). Traditional hunting, farming, and fishing are still in practice even at present and they consider it essential for their survival. Without proper environmental sustainability policies, not only is natural biodiversity threatened, but their cultural diversity as well- because they are being forced to move out of the forests for lack of food. “For Indigenous Peoples, conservation of biodiversity is not an isolated, compartmentalized concept but an integrated part of their lives” (Sobrevila, 2008). Because of this, they are forced to take on seasonal jobs for subsistence normally found in the more urban areas.

This research brings forth the challenges faced by the Agta-Dumagat as members of the indigenous groups in the Philippines. Focusing on issues of sovereignty of lands that pertain to ownership, and, environmental protection, this article describes how the Agta-Dumagat practice and implement their indigenous knowledge which demonstrates their strong links with their environmental space. Further, this article discusses how the Agta-Dumagat assert and struggle against different forms of oppression from local government units (LGU), non-indigenous peoples, and even the National Commission on Indigenous Peoples (NCIP), the prescribed champions of indigenous cause. Raising these indigenous people’s struggle takes on the discussion on environmental conscientiousness, responsibilities on guarding the environmental space, and the ironies presented by implemented laws in the Philippines.

## **(F)LAWS: Laws That Can Be Flaws**

Laws are the system of rules of a country that empower, regulate, and penalize its citizens. Yusingco (2015) states that “[t]he 1987 Constitution is the utmost symbol of Philippine statehood. It is the central institution in our political system.” As such, there is the need to understand how the conflicting legislations that deal with differing interests of the State, the natural environment, and the indigenous people all contribute to ambivalence and confusion, especially on how the indigenous people are affected by it. Policy-makers are hard-pressed to consider the implications of the flaws, if Philippine laws are to be beneficial for all peoples.

Briefly, Article XII, Section 2 of the Philippine Constitution defines the ownership of the State on all public domains that include all kinds of biodiversity in it. Although RA 7942, also known as the Philippine Mining Act of 1995 and PD 705, the Revised Forestry Code of the Philippines acknowledge the indigenous peoples as part of the affected communities, the other provisions present

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