

Ripples of Impact

**By Atty. Goldie Mendez-Nudalo
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with Atty. Jesus Villardo III**

*“The best interpreter of law is custom,
the best interpreter of things is usage.”*

- a legal maxim.

Access to effective legal assistance and paralegal services has been a gnawing need of communities in the Caraga Region, which is touted as the mining capital of the Philippines. Marginalized communities, including Indigenous Peoples (IPs), have identified lack of effective legal and paralegal services as conflictive issues exacerbating contestations in access to natural resources in the region, in particular, and in the island of Mindanao, in general. Moreover, traditional legal assistance has been found wanting in meaningfully transforming conflicts experienced by communities in Caraga.

Founded on their vision of a “... community of men and women committed to pursue the work of Christ for the wholeness of society”, the Father Saturnino Urios University (FSUU) has been assisting several communities in the Taguibo Watershed (in Butuan City) on their legal and environmental concerns. Due to the highly conflictive (and politically charged) issues, FSUU then was dreaming of an intervention that would dissect the socio-political issues in the Taguibo Watershed. Notably, the watershed is also home to communities of Monobo Indigenous Cultural Communities (ICCs). It was at this juncture that the Conflict Sensitive Resource and Asset Management 1 (COSERAM 1) Program was piloted in the Caraga Region.

FSUU entered into a partnership with GIZ-COSERAM to directly address issues of access to legal services through capacity building of both duty-bearers and rights-holders in the context of Caraga. Established in July 2014, the Urian Legal Assistance Program (ULAP) has been a laboratory for law students and alumni of the FSUU-College of Law in the application of conflict sensitive and conflict transformative tools in legal and paralegal assistance. ULAP seeks to afford legal access to those last, least and lost in the plurality of legal systems in the Philippines. To hone the skills of law students for actual legal practice using effective alternative lawyering methodologies, ULAP was born from the mutual belief of GIZ and FSUU that law can be utilized to advance the interests of the poor and marginalized sectors, and that the legal framework can be a tool towards an effective management of natural resources, while tapping alternative dispute resolution mechanisms at the community level.

ULAP's vision to provide developmental legal assistance to marginalized sectors with less access to legal services, and develop the skills of law students for actual legal practice,

“ULAP means clouds in its literal Filipino language, where when condensed it pours rain, and rain gives us life. Similarly, ULAP is our advocate in protecting our “yutang kabilin” (ancestral land); our land is our life”. – Datu Makalipay, Agusanon Monobo, Esperanza, Agusan del Sur



The IP Leaders doing a ritual during a settlement of traditional boundary dispute in Bayugan City, Agusan del Sur. (Photo by ULAP)

was in direct response to these articulated needs from the community. With the technical assistance of GIZ-COSERAM, ULAP has embarked on several activities to ensure steps to afford creative community-



ULAPeers in a legal consultation session with several IP Leaders in Bayugan City, Agusan del Sur. (photo by ULAP)

based legal assistance. To name a few, ULAP has its radio program (in an FM station) affording opportunities for community interactions of rights-based discourses, as well as legal advocacies involving IPs/ICCs rights under the Indigenous Peoples Rights Act (IPRA or Republic Act No. 8371 of 1997). It likewise provided legal assistance and paralegal services to multi-sectoral groups on their rights over access to natural resources, registration of births, and claims before the Commission on Human

Rights on the Martial Law human rights reparation. Notably, discourses on peace and development, and principles of conflict sensitivity, conflict transformation, and Do-No-Harm are already infused in FSUU-College of Law's curriculum. Now, FSUU-ULAP is taking steps to replicate and upscale its best practices with the Legal Education Board (LEB), the body that supervises the legal education in the Philippines.

In August of 2015, the Supreme Court of the Philippine recognized ULAP as the Legal Aid Clinic of FSUU. It now proudly stands among Ivy League Law Schools in the

Philippines because of this recognition. Students are now reaping the fruits of the program as a recognized legal aid clinic.

In the words of Atty. Josefe Sorrera-Ty, Dean of the FSUU – College of Law,

“As the dean of the Law School, who has the responsibilities of mentoring, advising, and forming future lawyers to become (public) servants of Caraga, the law curriculum is the primary tool in meeting the economic, environmental and cultural challenges of the region and in defining and shaping the law practice in Caraga.”



Dean Josefe Sorrera-Ty facilitating the Launching of ULAP and signing of Memorandum of Understanding with partner-Institutions. (Photo by ULAP)

Dean Sorrera-Ty is now part of the Technical Working Group commissioned by the LEB to integrate in the model Law Curriculum peace and conflict discourses, as well as tools for legal professionals to practice conflict-sensitivity and integrate Do-No-Harm in their legal advocacies. For the nonce, the curricular and extra-curricular spheres of the FSUU legal education have been infused with conflict sensitivity lens that law students are realizing the positive changes.

“ULAP is beneficial to law students of FSUU. Integration of the program to school curriculum allows students to practice what they have learned theoretically and apply it in real situations even before finishing the course. It broadens the minds of students to be advocates of the marginalized. ULAP creates awareness, empowerment and pillar of law for the IPs that assures security in legal aspect”. – Norman Escatron, 3rd year Law Student, FSUU

Atty Goldie Mendez-Nudalo, an ULAP Alumna shared -

ULAP was not a typical night-class recitation, but an out-of-the classroom day event focused on engaging law students, lawyers and the marginalized sector to various legal empowerment and capacity development activities in a conflict-sensitive and conflict-transformative method to bring about desired social change and resource management.



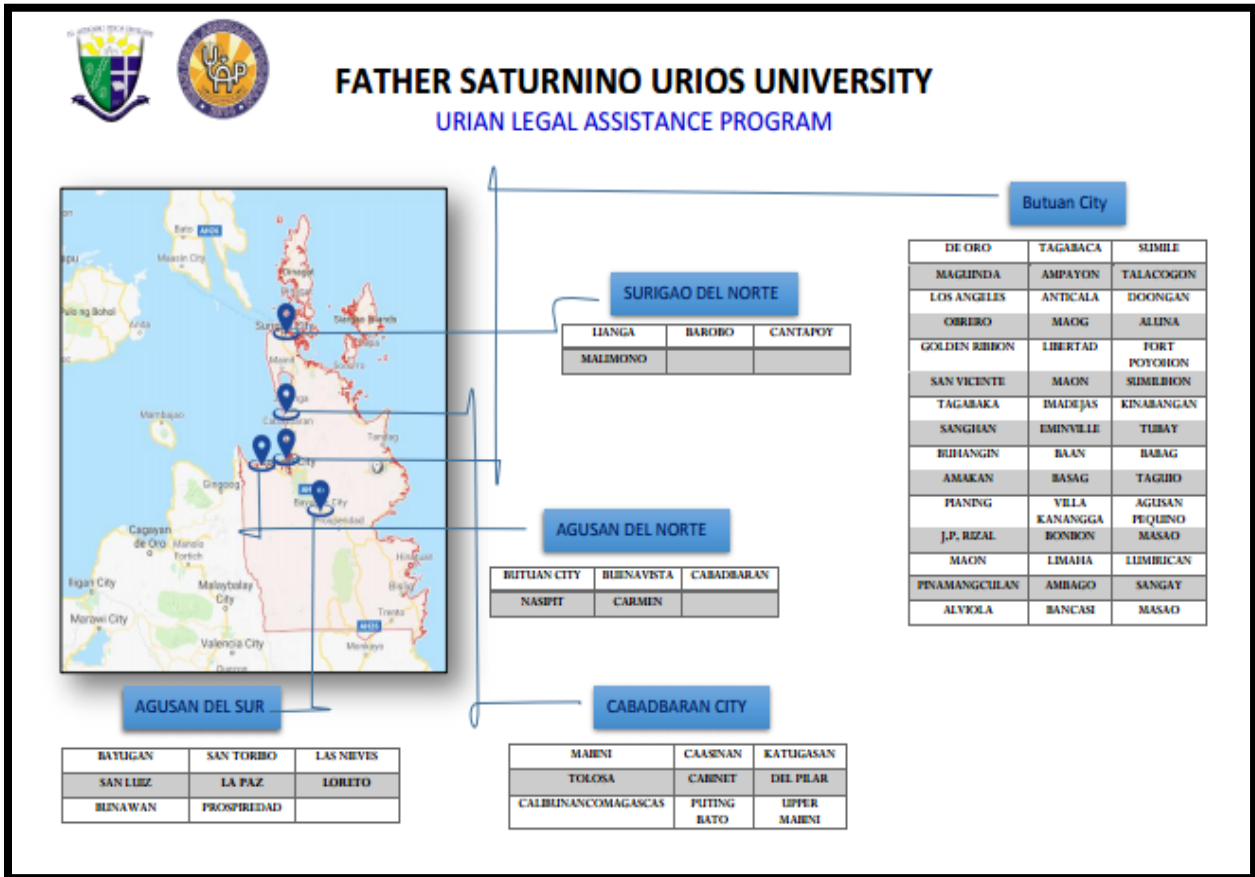
Video clip:

https://drive.google.com/file/d/1OZKvOn4yuUKUjid_uRn28HqQGg6L_CMm/v

Under ULAP, I witnessed how a boundary dispute between two traditional boundaries located in Agusan del Norte and Agusan del Sur is resolved by interfacing customary laws and the mainstream system of litigation. It is remarkable how the transformative approach seeks to understand particular episode of conflict not in isolation

but as broader patterns and issues creating potential constructive growth with willingness to respond in more ways than the usual tendency of legal sparring. "FSUU - ULAP is a process of legally empowering the "common tao" towards the usage of law, and customs in resolving disputes. The integration of ULAP in school curriculum establishes discipline. It creates structure and concrete understanding as to the application of transformative methodology. The brand of ULAP is its assistance and accessibility to people".

ULAP is uniquely the first of its kind among law schools in the Philippines. This pioneering program has now rendered services in 60 barangays within Caraga Region. These services include legal assistance and consultations, advocacy sessions, paralegal trainings, and even community immersion programs for law students and volunteer-lawyers. ULAP also has standing partnerships with Department of Interior & Local Government (DILG), National Commission on Indigenous Peoples (NCIP), Commission on Human Rights (CHR), Public Attorney's Office (PAO), Department of Agrarian Reform, the Integrated Bar of the Philippines (IBP), and the Province of Agusan del Sur,



Some Barangays/communities in Caraga Region where ULAP provided Legal Services and Advocacies. (ULAP partner communities using Google Map)

to name a few. Moreover, ULAP is now supporting legally mandated mechanisms - such as the Katarungang Pambarangay (the Barangay Justice System), and the DAR-DENR-LRA-NCIP instrument based on the Joint Administrative Order No. 01-2012 - on the latter's jurisdiction to deal with overlapping claims on land and access to natural resources.

Reflecting on the value-added efforts of the partnership between FSUU & GIZ-COSERAM, Atty. Marjorie Leigh T. Montero-LLano, ULAP Supervising Lawyer, says

“FSUU College of Law does not only envision Passers of Bar Examinations. More than it imagines, it wants to produce lawyers with hearts,... hearts to serve others”.

Like ripples, a single thought, an act, when executed generates impact. In ULAP's case, these impacts are promisingly forceful enough to produce peace and social transformation in the region.