

# DISPENSING BARANGAY JUSTICE THROUGH LUPONG TAGAPAMAYAPA

Barangay Bagong Nayon, Antipolo City, Rizal

*Disputes are more likely to arise when a barangay is a melting pot of people coming from different regions, speaking different languages, and struggling to survive. The Lupong Tagapamayapa (Barangay Court or Peace Committee) plays an important role in these situations*

## Context

Barangay Bagong Nayon is located in Antipolo City, Rizal. It is approximately 5 kms. from the city proper and has a land area of 301.34 hectares. As of 2001, its population is 33,787.

## The Project

Squatting, drug addiction and boundary disputes triggered conflicts **among Bagong Nayon's residents**. Lack of familiarity with the *Katarungang Pambarangay (Barangay Justice)* Law had prompted residents to immediately file cases in the regular courts and in other government offices without passing through the barangay first. That the barangay did not have any *Lupong Tagapamayapa* or *Lupon* worsened the situation.

*Dispensing Barangay Justice through the Lupong Tagapamayapa* To address these problems, the barangay council created a *Lupong Tagapamayapa*. The body was mandated by the Local Government Code to settle petty disputes amicably without resorting to the formal filing of charges, thereby relieving the courts of the burden of hearing these types of cases. Funds for the program was obtained from the Barangay's Internal Revenue



Allotment (IRA) and from the Department of the Interior and Local Government (DILG).

*Search Process* The barangay council conducted a rigid and extensive search and selection process for prospective members of the *Lupon*. After its members had been selected, the *Lupon* established a physical presence in the barangay by setting up an office complete with furniture, legal documents and books on *Katarungang Pambarangay*.

*Continuing Legal Education.* The *Lupon* members underwent initial and continuing legal education to familiarize themselves with the basics of barangay justice and update themselves on the latest jurisprudence. *Lupon* members were also exposed to various cases to widen their experience.

*Monthly Meetings* Regular monthly meetings were conducted among the members to elicit new ideas on how best to resolve specific cases. This forum also provided *the Lupon* an opportunity to discuss and share their experiences in handling disputes and resolving conflicts.

*Efficient and Effective Filing System.* *The Lupon* also established an efficient and effective filing system that facilitated the retrieval and monitoring of pending cases.

## Results

The establishment of *the Lupon Tagapamayapa* program helped reduce the number of petty and minor cases filed in the regular courts, enabling the latter to concentrate on more important ones. It also contributed to the improvement of the *peace and order* situation in Bagong Nayan.

In 2000 and 2001, Barangay Bagong Nayon was among those barangays awarded as the Most Outstanding *Lupong Tagapamayapa* at the regional and national levels.

## **LUPONG TAGAPAMAYAPA INCENTIVES AND AWARDS**

### **Barangay Smart, Gonzaga, Cagayan**

*The observance of traditional and alternative methods of settling disputes at the barangay level promotes the speedy administration of justice.*

*The indiscriminate filing of cases in the regular courts congests court dockets. With a heavy workload, judges have little time to thoroughly study the cases filed before them, thus compromising the quality of their decisions. More court cases often lead to more persons being <sup>jailed</sup>, worsening the overcrowding in the country's jails.*

### **Context**

Barangay Smart is one of the 25 barangays in Gonzaga, Cagayan. The Province of Cagayan is located at the northeastern tip of Luzon within the Cagayan Valley. Barangay Smart has a land area of 285,168 hectares and it is located approximately 60 meters from the poblacion (town center). As of 2001, it has an estimated population of about 1,305 composed of 267 households.

### **The Program**

Republic Act No. 7160, otherwise known as the Local Government Code of 1991, mandated the creation of a *Lupong Tagapamayapa* (Barangay Court or Peace Committee) that will assist in achieving an amicable and speedy resolution of cases or disputes within the barangay.

The *Lupong Tagapamayapa* or *Lupon* program sought to institutionalize a system of amicably settling disputes at the barangay level, to promote speedy administration of justice, to decongest the courts from cases, and to preserve and promote the Filipino culture of resolving disputes. The Punong Barangay (Barangay Captain), as chairman of the *Lupong Tagapamayapa*, exercised judicial function, a unique power not available to heads of other LGUs. His position was similar to that of the tribal chief during the pre-Spanish period. *The Lupon* consisted of residents from different sectors who were known for their integrity and dedication to service.

*The Lupon* was established in Barangay Smart on May 26, 1999 upon the assumption of Punong Barangay Luis 5. Cortes into office. Names of qualified candidates were posted in conspicuous places to inform the residents that a selection process was ongoing. The residents were given a ten-day period within which to give their comments or pose their objections to the nominees. Fortunately, the nominees were acceptable, and were issued formal appointments by the Punong Barangay.



*Project Operations* The *Lupon* program was managed directly by the barangay. Funds for the program were sourced from the 20% Barangay Development Fund and the PhP 20.00 filing fee for each case. The Department of the Interior and Local Government - Municipal Local Government Operations Office (DILG-MLGOO) and the Office of the Municipal Trial Court Judge provided assistance and monitored the operations of the *Lupon*.

Once a complainant filed a case and paid the PhP 20.00 filing fee, the barangay secretary, who was also the *Lupon* secretary, issued a summon/subpoena to the concerned parties. If the dispute was within the jurisdiction of a barangay *kagawad* (councilor), who was also a member of *the Lupon*, he was authorized to act as a mediator and try to settle the case amicably. Should the parties agree to settle their differences peacefully, the case was immediately dismissed or closed.

If the case remained unresolved after fifteen (15) days, it was elevated to the *Lupon*. The *Lupon*, in turn, immediately formed a *Pangkat Tagapagkasundo* (Team of Mediators) that would handle, manage, and resolve the case.

In settling disputes, members of the *Lupon* were encouraged to consult and seek the advice of lawyers especially prosecutors and judges on the proper and

effective process of resolving conflicts. Monthly meetings were scheduled and held to inform, educate, and update each member on the latest jurisprudence or technique in conflict-management.

## **Results**

In the three years since the *Lupon* was established, Barangay Smart has made great strides in promoting peace and order in the community. The amicable settlement of disputes has reduced the number of cases filed in court.

The exemplary performance of the *Lupong Tagapamayapa* earned Barangay Smart numerous awards and accolades:

- National Awardee, CY 2001 Outstanding *Lupong Tagapamayapa* for 1<sup>st</sup> - 3<sup>rd</sup> Class Municipalities
- Awardee, Award of Excellence (Region II) *Lupong Tagapamayapa* for Region II
- Recipient, Plaque of Appreciation as Outstanding Provincial *Lupong Tagapamayapa*
- Recipient, Plaque of Recognition as Outstanding *Lupong Tagapamayapa*