

ESTABLISHING A SYSTEM OF AMICABLY SETTTLING DISPUTES AT THE BARANGAY LEVEL

PRESIDENTIAL DECREE NO. 1508, June 11, 1978

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WHEREAS, the perpetuation and official recognition of the time-honored tradition of amicably settling disputes among family and barangay members at the barangay level without judicial recourse would promote the speedy administration of justice and implement the constitutional mandate to preserve and develop Filipino culture and to strengthen the family as a basic social institution;

WHEREAS, the indiscriminate filing of cases in the courts of justice contributes heavily and unjustifiably to the congestion of court dockets, thus causing a deterioration in the quality of justice;

WHEREAS, in order to help relieve the courts of such docket congestion and thereby enhance the quality of justice dispensed by the courts, it is deemed desirable to formally organize and institutionalize a system of amicably settling disputes at the barangay level;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree the following:

SECTION 1. Lupong Tagapayapa—

- Creation.—There is hereby created in each barangay a body to be known as Lupong Tagapayapa (hereinafter referred to as Lupon) composed of the Barangay Captain as chairman and not less than ten (10) nor more than twenty (20) members, to be constituted every two years in the following manner:
- Any suitable person actually residing or working in the barangay, not otherwise expressly disqualified by law, and taking into account considerations of integrity, impartiality, independence of mind, sense of fairness, and reputation for probity, including educational attainment, may be appointed member;
- A notice to constitute the Lupon, which shall include the names of proposed members who have expressed their willingness to serve, shall be prepared by the Barangay Captain within thirty (30) days after this Decree shall have become effective, and thereafter within the first ten (10) days of January of every other year. Such notice shall be posted in three (3) conspicuous places in the barangay continuously for a period of not less than three (3) weeks;
- The Barangay Captain, taking into consideration any opposition to the proposed appointment or any recommendation/s for appointment as may have been made within the period of posting, shall within ten (10) days thereafter, appoint as members those whom he determines to be suitable therefor;
- Appointments shall be in writing signed by the Barangay Captain and attested by the Barangay Secretary;
- The list of appointed members shall be posted in three (3) conspicuous places in the barangay for the entire duration of their term of office;
- When used herein:

Barangay refers not only to barrios which were declared barangays by virtue of Presidential Decree No. 557 but

also to barangays otherwise known as citizens assemblies pursuant to Presidential Decree No. 86.

Barangay Captain refers to the Barangay Captains of barrios which were declared barangay by virtue of Presidential Decree No. 557 and to the Chairmen of barangays otherwise known as citizens assemblies pursuant to Presidential Decree No. 86.

- Oath and Term of Office.—Upon appointment, each member shall take an oath of office before the Barangay Captain. He shall hold office until December 31 of the calendar year subsequent to the year of his appointment unless sooner terminated by resignation, transfer of residence or place of work, or withdrawal of appointment by the Barangay Captain with the concurrence of the majority of all the members of the Lupon.

- Vacancy, Lupon.—Should a vacancy occur in the Lupon for any cause the Barangay Captain shall as soon as possible appoint a suitable replacement. The person appointed shall hold office only for the unexpired portion of the term of the member whom he replaces.

- Functions.—The Lupon shall exercise administrative supervision over the conciliation panels hereinafter provided for. It shall meet regularly once a month (1) to provide a forum for the exchange of ideas among its members and the public on matters relevant to the amicable settlement of disputes; and (2) to enable the various panels to share with one another their observation and experiences in effecting speedy resolution of disputes.

- Secretary of the Lupon.—The Barangay Secretary shall concurrently be the Secretary of the Lupon. He shall note the results of the mediation proceedings before the Barangay Captain and shall submit a report thereon to the proper city or municipal court. He shall also receive and keep the records of proceedings submitted to him by the various conciliation panels. He shall issue the certification referred to in Section 6 hereof.

- Conciliation Panels.—There shall be constituted for each dispute brought before the Lupon a conciliation panel to be known as Pangkat ng Tagapagkasundo (hereinafter referred to as Pangkat) consisting of three (3) members who shall be chosen by agreement of the parties to the dispute from the list of membership of the Lupon.

Should the parties fail to agree, they shall, in the presence of the Barangay Captain or Secretary, make the selection in the following manner: One party, determined by lot, shall strike out from the list one name; the other party shall in turn strike out another; the parties shall thereafter continue alternately to strike out names until there shall remain on the list only four (4), three (3) of whom shall be the members of the Pangkat, and the fourth, to be determined by lot, shall be the alternate.

In the event any of the four (4) remaining names is, for cause to be passed upon solely by the Barangay Captain, still objected to by any party, the procedure provided for in paragraph (g) hereunder shall be followed.

Should there be more than one complainant or respondent, each side to the dispute shall choose its representative to such striking-out process.

The three (3) members shall elect from among themselves the chairman and the secretary of the Pangkat.

The secretary of the Pangkat shall keep minutes of its proceedings attested by the chairman and submit a copy thereof to the Lupon Secretary and to the proper city or municipal court. He shall issue and cause to be served notices to the parties and give certified true copies of any public record in his custody that is not by law otherwise declared confidential.

- Vacancy, Pangkat.—Any vacancy in the Pangkat shall be filled by the Barangay Captain from among the other members of the Lupon, to be determined by lot.

- Succession to or substitution for Barangay Captain.—In the event the Barangay Captain ceases to hold office or is unable to perform his duties herein provided, the order of succession/substitution to his position as provided by law shall be followed.

- Character of Office.—The members of the Lupon shall be deemed public officers and persons in authority, within the meaning of the Revised Penal Code.

- Characters of Service.—The members of the Lupon or Pangkat shall serve without any compensation or allowance whatsoever. Such service by any Lupon or Pangkat member; whether he be in public or private employment, shall be deemed to be on official time and no such member shall suffer any diminution in compensation or allowances by reason thereof.

- Legal advice.—The Barangay Captain or any member of the Lupon or the Pangkat may, whenever he deems it necessary in the exercise of his functions under this Decree, seek the advice of the legal adviser of the provincial/city/municipal government.

SEC. 2. Subject matters for amicable settlement.—The Lupon of each barangay shall have authority to bring together the parties actually residing in the same city or municipality for amicable settlement of all disputes except:

- Where one party is the government, or any subdivision or instrumentality thereof;
- Where one party is a public officer or employee, and the dispute relates to the performance of his official functions;
- Offenses punishable by imprisonment exceeding 30 days, or a fine exceeding P200.00;
- Offenses where there is no private offended party;
- Such other clashes of disputes which the Prime Minister may in the interest of justice determine, upon recommendation of the Minister of Justice and the Minister of Local Government.

SEC. 3. Venue.—Disputes between or among persons actually residing in the same barangay shall be brought for amicable settlement before the Lupon of said barangay. Those involving actual residents of different barangays within the same city or municipality shall be brought in the barangay where the respondent or any of the respondents actually resides, at the election of the complainant. However, all disputes which involve real property or any interest therein shall be brought in the barangay where the real property or any part thereof is situated.

The Lupon shall have no authority over disputes:

- involving parties who actually reside in barangays of different cities or municipalities, except where such barangays adjoin each other; and
- involving real property located in different municipalities.

Objections to venue shall be raised in the mediation proceedings before the Barangay Captain as provided for in Section 4(b) hereunder; otherwise, the same shall be deemed waived. Any legal question which may confront the Barangay Captain in resolving objections to venue herein referred to may be submitted to the Minister of Justice whose ruling thereon shall be binding.

SEC. 4. Procedure for amicable settlement.—

- Who may initiate proceedings.—Any individual who has a cause of action against another individual involving any matter within the authority of the Lupon as provided in Section 2 may complain orally or in writing, to the Barangay Captain of the barangay referred to in Section 3 hereof.
- Mediation by Barangay Captain.—Upon receipt of the complaint, the Barangay Captain shall within the next working day summon the respondent/s, with notice to the complainant/s for them and their witnesses to appear

before him for a mediation of their conflicting interests. If he fails in his effort within fifteen (15) days from the first meeting of the parties before him, he shall forthwith set a date for the constitution of the Pangkat in accordance with the provisions of Section 1 of this Decree.

- Hearing before the Pangkat.—The Pangkat shall convene no later than three (3) days from its constitution, on the day and hour set by the Barangay Captain, to hear both parties and their witnesses, simplify issues, and explore all possibilities for amicable settlement. For this purpose, the Pangkat may issue summons for the personal appearance of parties and witnesses before it.

In the event that a party moves to disqualify any member of the Pangkat by reason of relationship, bias, interest or any other similar ground/s discovered after constitution of the Pangkat, the matter shall be resolved by the affirmative vote of the majority of the Pangkat whose decision shall be final. Should disqualification be decided upon, the procedure provided for in paragraph (g) of Section 1 shall be followed.

- Sanctions.—Refusal or willful failure of any party or witness to appear in compliance with the summons issued pursuant to the preceding two (2) paragraphs may be punished by the city or municipal court as for indirect contempt of court upon application filed therewith by the Lupon Chairman, the Pangkat Chairman, or by any of the parties. Further, such refusal or willful failure to appear shall be reflected in the records of the Lupon Secretary of in the minutes of the Pangkat Secretary and shall bar the complaint from seeking judicial recourse for the same cause of action, and the respondent, from filing any counterclaim arising out of or necessarily connected therewith.

Willful failure or refusal without justifiable cause on the part of any Pangkat member to act as such, as determined by the vote of a majority of all the other members of the Lupon, whose decision thereon shall be final, shall result in his disqualification from public office in the city or municipality for a period of one year.

- Time limit.—The Pangkat shall arrive at a settlement/resolution of the dispute within fifteen (15) days from the day it convenes in accordance with paragraph (c) hereof. This period shall, at the discretion of the Pangkat, be extendible for another period which shall not exceed fifteen (15) days except in clearly meritorious cases.

SEC. 5. Form of settlement.—All amicable settlements shall be in writing, in a language or dialect known to the parties, signed by them and attested by the Barangay Captain or the Chairman of the Pangkat, as the case may be. When the parties to the dispute do not use the same language/dialect, the settlement shall be written in the languages/dialects known to them.

SEC. 6. Conciliation, pre-condition to filing of complaint.—No complaint, petition, action or proceeding involving any matter within the authority of the Lupon as provided in Section 2 hereof shall be filed or instituted in court or any other government office for adjudication unless there has been a confrontation of the parties before the Lupon Chairman or the Pangkat and no conciliation or settlement has been reached as certified by the Lupon Secretary or the Pangkat Secretary, attested by the Lupon or Pangkat Chairman, or unless the settlement has been repudiated. However, the parties may go directly to court in the following cases:

- Where the accused is under detention;
- Where a person has otherwise been deprived of personal liberty calling for habeas corpus proceedings;
- Actions coupled with provisional remedies such as preliminary injunction, attachment, delivery of personal property and support pendente lite; and
- Where the action may otherwise be barred by the Statute of Limitations.

SEC. 7. Arbitration.—The parties may, at any stage of the proceedings, agree in writing that they shall abide by the

arbitration award of the Barangay Captain or the Pangkat. Such agreement to arbitrate may within five (5) days from date thereof, be repudiated for the same grounds and in accordance with the procedure prescribed in Section 13 hereof. The arbitration award shall be made after the lapse of the period for repudiation and within ten (10) days thereafter.

The arbitration award shall be in writing in a language or dialect known to the parties. When the parties to the dispute do not use the same language/dialect, the award shall be written in the languages/dialects known to them.

SEC. 8. Proceedings public; exception.—All proceedings for settlement shall be public and informal, Provided, that the Barangay Captain or the Pangkat, as the case may be, may motu proprio or upon request of a party exclude the public from the proceedings in the interest of privacy, decency or public morals.

SEC. 9. Appearance of parties in person.—In all proceedings provided for herein, the parties must appear in person without the assistance of counsel/representative, with the exception of minors and incompetents who may be assisted by their next of kin who are not lawyers.

SEC. 10. Admissions.—Admissions made in the course of any of the proceedings for settlement may be admissible for any purpose in any other proceeding.

SEC. 11. Effect of amicable settlement and arbitration award.—The amicable settlement and arbitration award shall have the force and effect of a final judgment of a court upon the expiration of ten (10) days from the date thereof unless repudiation of the settlement has been made or a petition for nullification of the award has been filed before the proper city or municipal court.

SEC. 12. Execution.—The amicable settlement or arbitration award may be enforced by execution within one (1) year from the date of the settlement. After the lapse of such time, the settlement may be enforced by action in the appropriate city/municipal court.

SEC. 13. Repudiation.—Any party to the dispute may, within ten (10) days from the date of the settlement, repudiate the same by filing with the Barangay Captain a statement to that effect sworn to before him, where the consent is vitiated by fraud, violence or intimidation. Such repudiation shall be sufficient basis for the issuance of the certification for filing a complaint, provided for in Section 6 hereof.

SEC. 14. Transmittal of settlement and arbitration award to court.—The Secretary of the Lupon shall transmit the settlement or the arbitration award to the local city or municipal court within five (5) days from the date of the award or from the lapse of the ten-day period for repudiating the settlement and shall furnish copies thereof to each of the parties to the settlement and the Barangay Captain.

SEC. 15. Power to administer oaths.—The Barangay Captain and members of the Pangkat are hereby authorized to administer oaths in connection with any matter relating to all proceedings provided for in this Decree.

SEC. 16. Administration; rules and regulations.—

- The Minister of Local Government and Community Development shall see to the efficient implementation and administration of this Decree. For this purpose, he shall be empowered to promulgate rules and regulations, upon consultation with the Minister of Justice. In the process, the Minister of Local Government and Community Development may seek cooperation and coordination from other departments, agencies or instrumentalities of the National Government; and such departments, agencies or instrumentalities are hereby directed to render assistance whenever so requested.

- Without prejudice to the provisions of Section 1 (k) hereof, legal questions arising in the administration and implementation of this law shall be submitted to the Minister of Justice for resolution.

SEC. 17. Separability clause.—If, for any reason, any provision of this Decree shall be held to be unconstitutional or invalid, no other provision hereof shall be affected thereby.

SEC. 18. Appropriation.—To carry out the purposes of this Decree, there is hereby appropriated the sum of Twenty-five Million Pesos (P25,000,000.00) from the General Funds for the current year. Thereafter, the appropriation of such funds as may be necessary for the purpose shall be provided for in the General Annual Appropriation Acts.

SEC. 19. Effectivity.—This Decree shall take effect six (6) months after its promulgation.

Done in the City of Manila, this 11th day of June, in the year of Our Lord, nineteen hundred and seventy-eight.

(Sgd.) FERDINAND E. MARCOS
President of the Philippines

By the President:

(Sgd.) JUAN C. TIVERA
Presidential Assistant

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