

**EMILIANA CANDIDO AND FRANCISCA CANDIDO, PETITIONERS, VS.
HONORABLE DEMETRIO MACAPAGAL, PRESIDING JUDGE, BRANCH
18, REGIONAL TRIAL COURT OF BULACAN AND MILA CONTRERAS,
RESPONDENTS.**

G.R. No. 101328. April 07, 1993

Ponente: NOCON, J.

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NOCON, J.:

This is a petition for certiorari to annul and set aside the Orders[1] dated July 10, 1991 and August 9, 1991 of the trial court dismissing the complaint of petitioners Emiliana and Francisca Candido against private respondent Mila Contreras on the ground of lack of jurisdiction for petitioners' failure to comply with the mandatory barangay conciliation process required by Presidential Decree No. 1508, otherwise known as the Katarungang Pambarangay Law.

It appears on record that petitioners Emiliana and Francisca Candido are the only legitimate children of spouses Agapito Candido and Florencia Santos as shown by the certificates[2] of the latter's Record of Marriage and the petitioners' Record of Birth.

However, petitioners' father eventually left his legitimate family and lived with Sagraria Lozada until his death on May 6, 1987.

On May 11, 1990, Sagraria Lozada, Jorge Candido, Virginia Candido, Maximina Candido and Eduardo Candido who represented themselves to be the sole heirs of the late Agapito Candido executed a Deed of Extra-judicial Settlement of Estate with Sale[3] covering parcels of land owned by the latter and sold to private respondent Mila Contreras in whose name said properties are now registered under TCT No. T-120656-M.

On November 6, 1990, petitioners instituted an action with the Regional Trial Court of Bulacan, Branch 18 in Civil Case No. 697-M-90 against Sagraria Lozada, Jorge Candido, Virginia Candido, Maximina Candido, Eduardo Candido, Register of Deeds of Bulacan and private respondent Mila Contreras to annul the Deed of Extra-judicial Settlement of Estate with Sale, to cancel TCT No. 120656-M issued in the name of private respondent and to reinstate TCT No. 223602 in the name of Agapito Candido married to Sagraria Lozada.

On December 5, 1990, private respondent filed a Motion to Dismiss[4] on the ground that petitioners failed to comply with the mandatory conciliation process required under P.D. No. 1508 as she resides in the same municipality with the petitioners.

On July 10, 1991, the trial court issued an Order, the dispositive portion of which reads, as follows:

"WHEREFORE, as prayed for, let this case be, as it is hereby DISMISSED in so far as defendant Mila Contreras is concerned for lack of prior referral of the dispute before the Katarungang Pambarangay, without prejudice."[5]

Thereafter, petitioners filed a Motion for Reconsideration[6] which was denied in an Order[7] dated August 9, 1991.

Hence, this petition alleging grave abuse of discretion on the part of the respondent judge dismissing private respondent in the complaint instituted by the petitioners notwithstanding the fact that the other defendants in Civil Case No. 697-M-90 reside in different municipalities and cities.

The petition is impressed with merit.

Section 2 of P.D. No. 1508 provides:

"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:

“(1) Where one party is the government, or any subdivision or instrumentality thereof;

“(2) Where one party is a public officer or employee, and the dispute relates to the performance of his official functions;

“(3) Offenses punishable by imprisonment exceeding 30 days, or a fine exceeding P200.00;

“(4) Offenses where there is no private offended party;

“(5) Such other classes 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.”

Further, section 3 of the same law provides:

"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:

(1) involving parties who actually reside in barangays of different cities or municipalities, except where such barangays adjoin each other; x x x."

From the foregoing provisions of P.D. No. 1508, it is clear that the barangay court or Lupon has jurisdiction over disputes between parties who are actual residents of barangays located in the same city or municipality or adjoining barangays of different cities or municipalities.

In the instant case, petitioners alleged in their complaint that they are residents of Barrio Paliwas, Municipality of Obando, Bulacan while defendants' residences are as follows: Sagraria Lozada and Jorge Candido at Javier Compound, Bo. Sto. Niño, Taytay, Rizal; Virginia and Maximina Candido at Road 2, Doña Faustina Village, San Bartolome, Novaliches, Quezon City; Eduardo Candido at 388 Barrio Paliwas, Municipality of Obando, Bulacan; Mila Contreras at San Pascual, Municipality of Obando, Bulacan; and the Registrar of Deeds of Bulacan at his official address in Bulacan.

The Lupon of the barangay ordinarily has the authority to settle amicably all types of disputes involving parties who actually reside in the same municipality, city or province. Where the complaint does not state that it is one of the excepted cases, or it does not allege prior availment of said conciliation process, or it does not have a

certification that no conciliation or settlement had been reached by the parties, the case could be dismissed on motion.[8] In the instant case, the fact that petitioners and private respondent, reside in the same municipality of Obando, Bulacan does not justify compulsory conciliation under P.D. No. 1508 where the other co-defendants reside in barangays of different municipalities, cities and provinces.

Petitioners can immediately file the case in court. It would not serve the purpose of the law in discouraging litigation among members of the same barangay through conciliation where the other parties reside in barangays other than the one where the Lupon is located and where the dispute arose.

WHEREFORE, the petition is GRANTED and the appealed Orders of the trial court dated July 10, 1991 and August 9, 1991 dismissing Civil Case No. 697-M-90 in so far as defendant Mila Contreras is concerned are hereby annulled and set aside. The case is remanded to the Regional Trial Court of Bulacan for further proceedings and to REINSTATE private respondent Mila Contreras as defendant in civil case No. 697-M-90. No costs.

SO ORDERED.

Narvasa, C.J., (Chairman), Padilla, Regalado, and Campos, Jr., JJ., concur.

[1] Penned by Judge Demetrio B. Macapagal, Sr..

[2] Rollo, pp. 18-20.

[3] Id., at p. 22-23.

[4] Id., at pp. 26-28.

[5] Id., at p. 34.

[6] Id., at pp. 35-40.

[7] Id., at p. 41.

[8] *Morata vs. Go*, 125 SCRA 444 (1983).

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