

**SPOUSES MARIA LUISA P. MORATA AND JULIUS MORATA,
PETITIONERS, VS. SPOUSES VICTOR GO AND FLORA C. GO AND HON.
VALERIANO P. TOMOL, JR., JUDGE, COURT OF FIRST INSTANCE OF
CEBU, BRA...**

G.R. No. 62339. October 27, 1983

Ponente: ESCOLIN, J.

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ESCOLIN, J.:

In this petition for certiorari and prohibition with prayer for writ of preliminary injunction, the Court is called upon to determine the classes of actions which fall within the coverage of Presidential Decree No. 1508,[1] otherwise known as Katarungang Pambarangay Law. This law requires the compulsory process of arbitration at the Barangay level as a pre-condition for filing a complaint in court. Petitioners contend that said legislation is so broad and all-embracing as to apply to actions cognizable not only by the city and municipal courts, now known as the metropolitan trial courts and municipal trial courts, but also by the courts of first instance, now the regional trial courts. Upon the other hand, respondents would limit its coverage only to those cases falling within the exclusive jurisdiction of the metropolitan trial courts and municipal trial courts.

The antecedent facts are not disputed. On August 5, 1982, respondents Victor Go and Flora D. Go filed in the defunct Court of First Instance of Cebu, presided by respondent Judge Valeriano P. Tomol, Jr., a complaint against petitioners Julius Morata and Ma. Luisa Morata for recovery of a sum of money plus damages amounting to P49,400.00. The case was docketed as Civil Case No. R-22154.

On the basis of the allegation in the complaint that the parties-litigants are all residents of Cebu City, petitioners filed a motion to dismiss, citing, as grounds therefor, the failure of the complaint to allege prior availment by the plaintiffs of the barangay conciliation process required by P.D. 1508, as well as the absence of a certification by the Lupon or Pangkat Secretary that no conciliation or settlement had been reached by the parties. The motion was opposed by private respondents.

On September 2, 1982, respondent judge issued an order denying the motion to dismiss.

Petitioners filed a motion for reconsideration, but the same was denied in an order dated October 3, 1982, as follows:

"Considering the specific reference to City or Municipal Courts in the provisions of Section 11 and 12 of P.D. No. 1508, as the Courts to which the dispute settled or arbitrated by the Lupon Chairman or the Pangkat, shall be elevated for nullification of the award or for execution of the same, and considering that from the provision of Section 14 of the same law, the pre-condition to the filing of a complaint as provided for in Section 6 thereof, is specifically referred to, it is the considered opinion of this Court that the provision of Section 6 of the law applies only to cases cognizable by the inferior courts mentioned in Sections 11 and 12 of the law.

"In view of the foregoing, the motion for reconsideration filed by the defendants, of the order of September 2, 1982, denying their motion to dismiss, is hereby denied." [Annex 'G', p. 36, Rollo].

From this order, petitioners came to Us thru this petition. In a resolution dated December 2, 1982, We required respondents to file an answer, and likewise granted a temporary restraining order enjoin-ing respondent judge from requiring petitioners to file their answer and enter into trial in Civil Case No. R-22154.

We find the petition impressed with merit.

Section 6 of P.D. 1508 reads as follows:

"SECTION 6. Conciliation, pre-condition to filing of com-plaint. - No complaint, petition, action or proceeding involving any matter within the authority of the Lupon as provided in Sec-tion 2 hereof shall be filed or instituted in Court or any other government office for adjudication unless there has been a confronta-tion of the parties before the Lupon Chairman or the Pangkat and no con-ciliation 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:

- [1] Where the accused is under detention;
- [2] Where a person has otherwise been deprived of personal liberty calling for habeas corpus proceedings;
- [3] Actions coupled with provi-sional remedies such as pre-liminary injunction, attach-ment, delivery of personal property and support pendente lite; and
- [4] Where the action may otherwise be barred by the Statute of Limitations."

Section 2 of the law defines the scope of authority of the Lupon thus:

"SECTION 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 govern-ment, or any subdivision or instrument-ality 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."

Thus, except in the instances enumerated in Sections 2 and 6 of the law, the Lupon has the authority to settle amicably all types of disputes involving parties who actually reside in the same city or municipality. The law, as written, makes no distinction whatsoever with respect to the classes of civil disputes that should be compromised at the barangay level, in contradistinction to the limitation imposed upon the Lupon by paragraph (3), section 2 thereof as regards its authority over criminal cases. In fact, in defining the Lupon's authority, Sec-tion 2 of said law employed the universal and comprehen-sive term "all", to which usage We should neither add nor subtract in consonance with the rudimentary precept in statutory construction that "where the law does not dis-tinguish, We should not distinguish." [2]

By compelling the disputants to settle their differences through the intervention of the barangay leader and other respected members of the barangay, the animosity generated by protracted court litigations between members of the same political unit, a disruptive factor toward unity and cooperation, is avoided. It must be borne in mind that the conciliation process at the barangay level is likewise designed to discourage indiscriminate filing of cases in court in order to decongest its clogged dockets and, in the process, enhance the quality of justice dispensed by it. Thus, to say that the authority of the Lupon is limited to cases exclusively cognizable by the inferior courts is to lose sight of this objective. Worse, it would make the law a self-defeating one. For what would stop a party, say in an action for a sum of money or damages, as in the instant case, from bloating up his claim in order to place his case beyond the jurisdiction of the inferior court and thereby avoid the mandatory requirement of P.D. 1508? And why, indeed, should the law seek to ease the congestion of dockets only in inferior courts and not in the regional trial courts where the log-jam of cases is much more serious? Indeed, the lawmakers could not have intended such half-measure and self-defeating legislation.

The objectives of the law are set forth in its preamble thus:

"WHEREAS, the perpetuation and official recognition of the time-honored tradition of amicably settling disputes among family and barangay level without judicial resources 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."

There can be no question that when the law conferred upon the Lupon "the authority to bring together the parties actually residing in the same city or municipality for amicable settlement of all disputes, x x x," its obvious intent was to grant to the Lupon as broad and comprehensive an authority as possible as would bring about the optimum realization of the aforesaid objectives. These objectives would only be half-met and easily thwarted if the Lupon's authority is exercised only in cases falling within the exclusive jurisdiction of inferior courts.

Moreover, if it is the intention of the law to restrict its coverage only to cases cognizable by the inferior courts, then it would not have provided in Section 3 thereof the following rule on venue, to wit:

"Section 3. Venue. x x x 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."

for it should be noted that, traditionally and historically, jurisdiction over cases involving real property or any interest therein, except forcible entry and detainer cases, has always been vested in the courts of first instance [now regional trial court].

But it is pointed out by the respondent judge that Sections 11,[3] 12,[4] and 14[5] of the law speak of the city and/or Municipal courts as the forum for the nullification or execution of the settlement or arbitration awards issued by the Lupon. We hold that this circumstance cannot be construed as a limitation of the scope of authority of the Lupon. As heretofore stated, the authority of the Lupon is clearly established in Section 2 of the law; whereas Sections 11, 12 and 14, relied upon by respondent judge, deal with the nullification or execution of the settlement or arbitration awards obtained at the barangay level. These sections conferred upon the city and municipal courts the jurisdiction to pass upon and resolve petitions or actions for nullification or enforcement of settlement/arbitration awards issued by the Lupon, regardless of the amount involved or the nature of the original

dispute. But there is nothing in the context of said sections to justify the thesis that the mandated conciliation process in other types of cases applies exclusively to said inferior courts.

Any doubt on the issue before Us should be dispelled by Circular No. 22 issued by Chief Justice Enrique M. Fernando,[6] the full text of which is quoted as follows:

"TO : ALL JUDGES OF THE COURTS OF FIRST INSTANCE, CIRCUIT CRIMINAL COURTS, JUVENILE AND DOMESTIC RELATIONS COURTS, COURTS OF AGRARIAN RELATIONS, CITY COURTS, MUNICIPAL COURTS AND THEIR CLERKS OF COURT

"SUBJECT : Implementation of the Katarungang Pambarangay Law.

"Effective upon your receipt of the certification by the Minister of Local Government and Community Development that all the barangays within your respective jurisdictions have organized their Lupons provided for in Presidential Decree No. 1508, other-wise known as the Katarungang Pambarangay Law, in implementation of the barangay system of settlement of disputes, you are hereby directed to desist from receiving complaints, petitions, actions or proceedings in cases falling within the authority of said Lupons.

"Circular No. 12 dated October 20, 1978, issued by the late Chief Justice Fred Ruiz Castro is to that extent modified.

"This Circular takes effect immediately."

It is significant that the above-quoted circular embodying the directive "to desist from receiving complaints, petitions, actions and proceedings in cases falling within the authority of said Lupons," has been addressed not only to judges of city and Municipal courts, but also to all the judges of the courts of first instance, circuit criminal courts, juvenile and domestic courts and courts of agrarian relations, now known as regional trial courts under B.P. No. 129. The said circular was noted by President Ferdinand E. Marcos in a Letter of Implementation, dated November 12, 1979, the first paragraph of which reads as follows: "with the view to easing up the log-jam of cases and solving the backlogs in the case of dockets of all government offices involved in the investigation, trial and adjudication of cases, it is hereby ordered that immediate implementation be made by all government officials and offices concerned of the system of amicably settling disputes at the barangay level as provided for in the Katarungang Pambarangay Law [Presidential Decree No. 1508]."

Therefore, for the guidance of the bench and the bar, We now declare that the conciliation process at the barangay level, prescribed by P.D. 1508 as a pre-condition for filing a complaint in court, is compulsory not only for cases falling under the exclusive competence of the metropolitan and Municipal trial courts, but for actions cognizable by the regional trial Courts as well.

ACCORDINGLY, the petition is granted, and the order of respondent judge denying petitioners' motion to dismiss is hereby set aside. Respondent judge is restrained from conducting further proceedings in Civil Case No. R-22154, except to dismiss the case. No costs.

SO ORDERED.

Fernando, C.J., Concepcion, Jr., Guerrero, Abad Santos, Melencio-Herrera, Plana, Relova, and Gutierrez, Jr., JJ., concur.

Teahankee and Makasiar, JJ., reserved their votes.

Aquino, J., see concurrence.

De Castro, J., on sick leave.

[1] Promulgated June 11, 1978.

[2] Colgate-Palmolive Philippines, Inc. v. Gimenez, 1 SCRA 267.

[3] SECTION 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 after 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.

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

[5] SECTION 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.

[6] Dated November 9, 1979.

Sps Morata vs Sps Go : L-62339 : October 27, 1983 : J. Aquino : En Banc : Concurring Opinion 150 Clean Clean 6 pt 6 pt 0 3 MicrosoftInternetExplorer4 /* Style Definitions */ table.MsoNormalTable {mso-style-name:"Table Normal"; mso-tstyle-rowband-size:0; mso-tstyle-colband-size:0; mso-style-noshow:yes; mso-style-parent:""; mso-padding-alt:0in 5.4pt 0in 5.4pt; mso-para-margin:0in; mso-para-margin-bottom:.0001pt; mso-pagination:widow-orphan; font-size:10.0pt; font-family:"Times New Roman";}

CONCURRING OPINION

AQUINO, J.:

I concur. The case filed by the Go spouses in the Court of First Instance of Cebu for the collection of P49,400 from the Morata spouses, Civil Case No. R-22154, is covered by the Katarungang Pambarangay Law, Presidential Decree No. 1508. The impression that the law applies only to cases filed in inferior courts does not seem to be correct.

Of course, the law applies only to disputes between or among persons actually residing in the same barangay or to those involving actual residents of different barangays within the same city or municipality (Sec. 3).

Cases between or among those persons should undergo the conciliation process, whatever may be the amount involved or the nature of the issue involved as long as they do not belong to the following cases:

"(a) Where the parties involved reside in barangays of different cities or municipalities unless such barangays adjoin each other;

"(b) Where the dispute involves real property located in different cities or municipalities;

"(c) Where one party is the government or any subdivision or instrumentality thereof;

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

"(e) Where the dispute involves an offense punishable by imprisonment exceeding thirty (30) days or a fine

exceeding two hundred pesos (P200.00). Thus, physical injuries requiring medical attendance for not exceeding nine (9), days, slight slander, light threats, unjust vexation, would be appropriate subject matters for settlement;

"(f) Offenses where there is no private offended party, for example, littering, gambling, jaywalking, public scandal, vagrancy and prostitution; and,

"(g) 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 and Community Development." (Sec. 2, Rule VI, Katarungan Pambarangay Rules).

The parties may go directly to court in the four cases specified in section 6 of the law.

Chief Justice Fernando in his Circular No. 22 dated November 9, 1979 has enjoined all Judges of the Courts of First Instance, Circuit Criminal Courts, Juvenile and Domestic Relations Courts, Agrarian Courts, city courts, municipal courts and their clerks of court to desist from receiving complaints, petitions, actions or proceedings in cases falling within the authority of the barangay Lupons effective upon their receipt of the certification of the Minister of Local Government and Community Development that all the barangays within their respective jurisdictions have organized their Lupons as contemplated in the Katarungang Pambarangay Law.

The Minister of Justice has assumed that the Kata-rungang Pambarangay Law applies to the cases in Regional Trial Courts or Courts of First Instance. Thus, he ruled that a complaint for damages in the sum of P100,000 is a matter falling within the authority of the Lupon under section 2 of Presidential Decree No. 1508 (Opinion No. 81, Series of 1981; Katarungang Pambarangay Opinion No. 10, Series of 1981).

The reference in the law to proper city or muni-cipal court contemplates situations for the enforce-ment or nullification of settlement or arbitration award. If there is no award, the city or municipal court will have no occasion to intervene.

Whether the Lupons will be equal to the task imposed upon them and should receive commensurate remuneration for their work is another question.

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