

SERVILLANO ALINSUGAY, PETITIONER, VS. HONORABLE PERFECTO M. CAGAMPANG, JR., PRESIDING JUDGE DESIGNATE OF BRANCH IX, REGIONAL TRIAL COURT OF BUKIDNON, 10TH JUDICIAL REGION, ESTHE...

G.R. No. 69334. July 28, 1986

Ponente: FERNAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-69334/>

FERNAN, J.:

The issue raised in this case is whether referral to the Pangkat ng Tagapagkasundo under Presidential Decree No. 1508, the Katarungang Pambarangay Law, is mandatory even where the failure at conciliation is due to the non-appearance of one party.

On October 19, 1984 petitioner Servillano Alinsugay instituted an action in the Regional Trial Court of Bukidnon, Malaybalay branch, against respondents Esther G. Cajes and Ricardo M. Cajes for the annulment of title and recovery of possession and ownership of a parcel of land with an area of 3,068 square meters located in Barangay Dologon, Maramag, Bukidnon [Civil Case No. 1566].

Respondents Cajes filed a motion to dismiss on the grounds that: [1] the trial court did not acquire jurisdiction over the action because the dispute was not brought before the barangay for amicable settlement in accordance with Presidential Decree No. 1508, [2] the complaint was premature, and [3] the action was barred by prescription and laches. Specifically, respondents argued that petitioner did not follow the process of going through a Pangkat in the settlement of his dispute, after mediation before the barangay chairman had failed.

In reply, petitioner asserted that the trial court had jurisdiction over the case because of the "certification to file action" issued on July 31, 1983 by the Punong Barangay and attested by the Barangay Secretary to the effect that respondent Esther Cajes "wilfully failed or refused to obey summons or to appear for hearing, and therefore the corresponding complaint for the dispute may now be filed in court/government office".[1]

In an order dated November 13, 1984, respondent Judge Perfecto M. Cagampang, Jr. dismissed the complaint "without prejudice to the filing of the same after the provisions of PD 1508 shall have been complied properly as prayed for in the 'Motion to Dismiss' filed by defendants despite the Opposition filed by plaintiff; and without passing on the merits on the other grounds alleged in the same 'Motion to Dismiss'".[2]

Assailing the order of dismissal as a patent nullity and having been issued with grave abuse of discretion, petitioner filed the instant special civil action for certiorari.

There is no question that the controversy was referred to the Punong Barangay of Dologon, Maramag, Bukidnon. It was docketed as Barangay Case No. 26. Summons were served upon the parties. For one reason or another, respondent Esther Cajes failed to appear before the barangay chairman, prompting the latter to issue on July 31, 1983 the certification to file action for the complainant, herein petitioner Alinsugay. There is no mention in the records of the reason for Cajes' non-appearance.

In his memorandum, petitioner Alinsugay contends that the issuance of the certification to file action by the Punong Barangay, attested by the Barangay Secretary, substantially complies with the provisions of Presidential Decree No. 1508 and its implementing rules.

On the other hand, respondents Esther Cajes and Ricardo M. Cajes argue that the certification is premature and therefore null and void. They theorize that under the law, the Punong Barangay should have constituted the Pangkat ng Tagapagkasundo after he had failed to bring about a settlement between the contending parties; that the Punong Barangay on his level is bereft of legal authority to issue the questioned certification, and that what is contemplated by PD No. 1508 is intervention by the Punong Barangay and members of the Pangkat, otherwise what would prevent a corrupt barangay chairman from issuing indiscriminate certifications.

We hold for petitioner Alinsugay.

This is a case wherein only one party appears before the Punong Barangay and the other party fails to do so despite due notice or summons. What should the Punong Barangay do in such a case?

Rule VI, Section 7 of the Katarungang Pambarangay Rules provides:

"SECTION 7. Failure to appear. - The complaint may be dismissed when complainant, after due notice, willfully fails or refuses to appear on the date set for mediation, conciliation or arbitration. Such dismissal, as certified to by the Lupon or Pangkat Secretary as the case may be, shall bar the complainant from seeking judicial recourse for the same cause of action as that dismissed.

"Upon a similar failure of the respondent to appear, any counterclaim he has made that arises from or is necessarily connected with complainant's action, may be dismissed. Such dismissal, as certified to by the Lupon or Pangkat Secretary, as the case may be, shall bar the respondent from filing such counterclaim in court; and it shall likewise be a sufficient basis for the issuance of a certification for filing complainant's cause of action in court or with the proper government agency or office.

"In addition, such wilful failure or refusal to appear may subject the recalcitrant party or witness to punishment as for contempt of court, i.e., by a fine not exceeding one hundred pesos (P100.00) or imprisonment of not more than one (1) month of both."

Thus it is very clear from the Rules that the wilful refusal or failure to appear on the part of respondent is sufficient basis for the complainant present to be given a certification to file action. The issuance of a certification to file action means that the complainant may already bring his case to the court or other government office for adjudication.

Section 4[b] of PD No. 1508 likewise provides that if the Punong Barangay fails in his mediation efforts within fifteen [15] days from the first meeting of the parties, he shall forthwith set the date for the constitution of the Pangkat. However, such referral to the Pangkat is mandatory only in those cases where both parties have submitted themselves to the Lupon for conciliation and conciliation has failed.

In instances where one party fails to appear for no justifiable reason, convening the Pangkat as a necessary second step will serve no useful purpose. It will accomplish nothing in view of a party's unwillingness, as reflected in his unjustified absence, to settle the dispute outside the regular courts. In that case, the only feasible alternative for the Lupon is to issue the certification allowing complainant to bring the controversy to court.

It is evident that the respondents have not come to court with clean hands. The desired conciliation at the barangay level failed to materialize due to their non-appearance. They should not be subsequently allowed to frustrate petitioner's cause of action by invoking that situation which they themselves created.

Respondent Judge Cagampang, Jr. acted arbitrarily and with grave abuse of discretion in dismissing petitioner's complaint. Petitioner has complied with the condition precedent set forth in Presidential Decree No. 1508. The issuance of the certification to file action is warranted by the Rules in view of respondent's unexplained refusal to appear.

WHEREFORE, the order of respondent Judge Cagampang, Jr. dated November 13, 1984 is set aside and a new one is entered directing the Regional Trial Court of Bukidnon, Malaybalay branch to proceed with the hearing on the merits of Civil Case No. 1566.

Case remanded. Costs against the respondents.

SO ORDERED.

Feria, (Chairman), Alampay, Gutierrez, Jr., and Paras, JJ., concur.

[1] Annex G, p. 35, Rollo.

[2] Annex F, p. 34, Rollo.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.