

MANUEL A. RAMOS, PETITIONER, VS. THE HONORABLE COURT OF APPEALS AND DOMINGO RAMOS, RESPONDENTS.*G.R. No. 85475. June 30, 1989*

Ponente: CRUZ, J.

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Domingo Ramos authorized his brother Manuel Ramos to sell his share of certain lands owned by them in common with their other brothers and sisters. Manuel did. Later, Domingo revoked the power of attorney and demanded an accounting from Manuel. Manuel refused. Domingo then filed a complaint with the Punong Barangay of Pampanga, Buhangin District, City of Davao, which was docketed as Case No. 008-87.[1] The Punong Barangay scheduled a hearing on March 14, 1987.[2] Manuel appeared but Domingo did not. He was represented, however, by his wife who said her husband wanted to avoid a direct confrontation with his brother.[3] She requested that the Punong Barangay issue a certification that no settlement had been reached so a complaint could be filed in court. The Punong Barangay complied.[4] Thereupon, Domingo sued Manuel in the Regional Trial Court of Davao City, also for accounting, in Civil Case No. 18560-87.

Manuel moved to dismiss the complaint on the ground of non-compliance with the requirements of P.D. No. 1508. Specifically, he cited the failure of the Punong Barangay to refer the dispute to the Pangkat ng Tagapagkasundo after the unsuccessful mediation proceedings convened by him. The motion was denied.[5] Manuel then filed with this Court a petition for certiorari which we referred to the Court of Appeals. That court denied the petition. It held that there was no need for such referral because Domingo had clearly indicated, by his refusal to appear before the Punong Barangay, that no extrajudicial settlement was possible between him and his brother.[6] Manuel is now before us to question this decision.

We hold for the petitioner.

The applicable provisions of P.D. No. 1508 (with emphasis supplied) are as follows:

SEC. 4. Procedure for amicable settlement. —

a) 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.

b) 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.

c) Hearing before the Pangkat. — The Pangkat shall convene not 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.

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d) 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 or in the minutes of the Pangkat Secretary and shall bar the complainant from seeking judicial recourse for the same cause of action, and the respondent, from filing any counterclaim arising out of or necessarily connected therewith.

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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.

It is clear from the above rules that the dispute should not have ended with the mediation proceedings before the Punong Barangay because of his failure to effect a settlement between the brothers. One purpose of P.D. 1508 is precisely to effect a confrontation between the parties in the hope that they can resolve their differences without resort to the courts of justice. Obviously, this purpose would be nullified if the matter were to be considered closed simply because either of the parties refuses to confront the other.

It was not for the Punong Barangay to say that referral to the Pangkat was no longer necessary merely because he himself had failed to work out an agreement between the petitioner and the private respondent. Indeed, it is possible that the Pangkat could have exerted more efforts and succeeded (where he had not) in resolving the dispute. The Punong Barangay could in fact have even issued summons to compel the attendance of Domingo Ramos, who was the complainant himself, in the mediation hearing. It seems the Punong Barangay had not tried hard enough. In any event, the certification he issued was certainly premature and did not authorize immediate recourse to judicial action.

The case of *Alinsugay v. Cagampang*,^[7] which was applied by respondent court, is not on all fours with the petition at bar. There the parties claiming non-compliance with P.D. 1508 were the very parties who did not appear at the mediation proceedings before the Punong Barangay. The defendants in the case were the

respondents who had earlier disregarded the Katarungang Pambarangay Law and were later inconsistently invoking its provisions.

In the case before us, it is Manuel Ramos, the respondent in the barangay proceedings, who actually appeared therein and is now invoking the non-appearance of Domingo Ramos, the complainant himself. Domingo, the herein private respondent, is the party who did not appear to support his own complaint before the Punong Barangay. He invoked the Punong Barangay's jurisdiction and then disregarded it. Under Section 4(d), he is now barred, as complainant in the barangay proceedings, "from seeking judicial recourse for the same cause of action."

Domingo argues that he did appear through his wife, but this was not permitted by P.D. No. 1508. Its Section 9 reads:

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.

In *Alinsugay*, the Court said that "where one party fails to appear for no justifiable reason, convening the Pangkat as a necessary second step will serve no useful purpose." True, but we must stress the word justifiable. Mere refusal to appear at the confrontation as required by the law, when the party invoking P.D. 1508 is the one who disregarded it, is not a justifiable reason.

It remains to add that the other purpose of the Katarungang Pambarangay Law is to relieve the trial courts of cases among neighbors that hopefully can be settled through the mediation of their peers in peaceful and even friendly confrontations. This purpose could be defeated if such cases were allowed immediate access to the already clogged judicial dockets simply because one of the parties is unwilling to submit to justice at the barangay level.

WHEREFORE, the petition is GRANTED and the appealed decision is REVERSED. The respondent judge is ordered to DISMISS Civil Case No. 18560-87. Costs against the private respondent.

SO ORDERED.

Narvasa (Chairman), Gancayco, Griño-Aquino, and Medialdea, JJ., concur.

[1] Rollo, p. 70.

[2] *Ibid.*

[3] *Id.*, p. 107.

[4] *Id.*, p. 52.

[5] *Id.*, pp. 62-64, per Judge Milagros C. Nartatcz.

[6] *Id.*, pp. 69-72; penned by Herrera, M., J., with Mclo and Imperial, JJ. concurring.

[7] 143 SCRA 146.

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