



ETCOR Educational Research Center
PHILIPPINES
Sta. Ana, Pampanga, Philippines

INTERNATIONAL
MULTIDISCIPLINARY
RESEARCH CONFERENCE



Website: <https://etcor.org>

NBDB
NATIONAL BOOK
DEVELOPMENT BOARD
PHILIPPINES



ISSN



iJOINED ETCOR
P - ISSN 2984-7567
E - ISSN 2945-3577



The Exigency
P - ISSN 2984-7842
E - ISSN 1908-3181

Alternative Dispute Resolution in the Context of *Barangay* Justice System: Compliance and Competencies of Arbitrators, Conciliators and Mediators

Atty. Allan Hil B. Pajimola*¹, Prof. Melchor D. Salom²
^{1, 2} Don Mariano Marcos Memorial State University, La Union Philippines
Corresponding Author email: ahpajimola@dmmsu.edu.ph

Received: 14 April 2023

Revised: 22 May 2023

Accepted: 25 May 2023

Available Online: 07 June 2023

Volume II (2023), Issue 2, P-ISSN – 2984-7567; E-ISSN - 2945-3577

Abstract

Aim: This study assessed the compliance and competencies on the Katarungang Pambarangay (KP) law or the regulatory policy concerning village-based alternative dispute resolution in the Province of La Union.

Methodology: The study used the descriptive research design, particularly the survey method involving 1,774 Lupong Tagapamayapa Members (mediators, arbitrators and conciliators) from 171 barangays of the 20 municipalities in the province. Data gathering tool was questionnaire involving a checklist type for the compliance part and examination multiple choice question type for the extent of knowledge. To validate the answers in the compliance part, the researchers conducted informal interviews as well as documentary reviews. Frequency counts and percentages were used to analyze the data.

Results: The results showed that there were barangays which do not comply with the provisions of the law. They exuded low extent of knowledge on the KP Law as it is evidenced by the poor performance on the examination given to them.

Conclusion: The researcher concluded that the barangays covered in this study have lapses in the fulfillment of the mandates of the Katarungang Pambarangay Law. They deviate to some of the standards because of circumstances beyond their control, means and resources. The members of the Lupong Tagapamayapa have limited and superficial knowledge on the Katarungang Pambarangay Law.

Keywords: alternative dispute resolution, *katarungang pambarangay*, Barangay justice system, mediation, arbitration, conciliation, amicable settlement

INTRODUCTION

Justice is the cornerstone of the rule of law (United Nations, 2015). According to Ban Ki-moon (2013), the Universal Declaration of Human Rights provides that all people shall enjoy equal protection under the law, enforceable by an independent and impartial tribunal. A strong and fair justice system is critical to realizing this right (Abaya, 2010; Aquino, 2013).

The United Nations (2013) enumerated that justice system includes laws, processes and institutions in a particular jurisdiction related to the administration of justice. These laws consist of the constitution or its equivalent and the legal framework, and all aspects of law-making (Cuaresma, 2016). Establishing respect for the rule of law is fundamental to achieving a durable peace in the aftermath of conflict, to the effective protection of human rights, and to sustained economic progress and development (Tabucanon, 2014). In addition, the principle that everyone from the individual to the state itself is accountable to laws that are publicly promulgated, equally enforced and independently adjudicated is a fundamental concept which drives much of the United Nations work (Sam, 2013; Litvak, 2014).



ETCOR Educational Research Center
PHILIPPINES
Sta. Ana, Pampanga, Philippines



Website: <https://etcor.org>



iJOINED ETCOR
P - ISSN 2984-7567
E - ISSN 2945-3577



The Exigency
P - ISSN 2984-7842
E - ISSN 1908-3181

Many countries around the world are undertaking legal and judicial reforms as part of their overall development programs (De Jesus and Zaide, 2013). This has resulted from growing recognition that economic and social progress cannot sustainably be achieved without respect for the rule of law, democratic consolidation, and effective human rights protection, each of which requires a well-functioning judiciary that can interpret and enforce the laws equitably and efficiently (Garcia and Macatangay, 2015). An effective judiciary is predictable, resolves cases in a reasonable time frame, and is accessible to the public. Many developing countries, however, find that their judiciaries advance inconsistent case law and carry a large backlog of cases, thus eroding individual and property rights, stifling private sector growth, and, in some cases, even violating human rights (MacMac, 2017). Delays affect both the fairness and the efficiency of the judicial system; they impede the public's access to the courts, which, in effect, weakens democracy, the rule of law and the ability to enforce human rights (Yale Human Rights and Development Foundation, 2014).

Crime prevention has become an increasingly important component of many national strategies on public safety and security (De Lima, 2015). The concept of prevention is grounded in the notion that crime and victimization are driven by many causal or underlying factors (Preeze, 2014). These are the result of a wide range of factors and circumstances that influence the lives of individuals and families as they grow up, and of local environments, and the situations and opportunities that facilitate victimization and offending (United Nations Office on Drugs and Crime [UNODC], 2013).

Regardless of laws and the techniques used to prevent crime around the globe, there are still incidents of crime, violations of the human rights and to the rule of law (Canadian Bar Association, 2016). Twenty years ago, U.S. citizens had lost confidence in the ability of police to control crime and disorder on the streets of their cities (Lo, 2014). Urban crime had been rising steadily since the 1960s, and by the late 1980s, violent crime appeared to be taking off at an accelerating rate (Braton & Andrews, 2013).

In other countries like Venezuela, the poorest areas, known as "barrios", frequently provide safe havens and bases of operations for criminal gangs. It was once thought that violent crimes only occurred in barrios, but in 2019 even relatively affluent residential Caracas neighbourhoods in Chacao, Baruta, and El Hatillo where many government leaders, professionals, businesspeople, and foreign diplomats reside saw regular incidents of kidnapping, home invasion, and armed robbery (Overseas Security Advisory Council [OSAC], 2019).

In the Philippines, according to the Supreme Court 2020 Annual Report, the Supreme Court's case input for judicial matters was 11,990. Of these 11,990 cases, 6,929 were pending cases as of December 31, 2019, while 5,026 and 35 were newly filed and reinstated cases, respectively. The total case output for judicial matters includes petitions denied/dismissed by minute/extended resolutions, denied motions for extension of time to file petition, transferred cases to other courts, and cases disposed of by decisions/signed resolutions. Of the total case output of 4,647, there were 3,590 disposed of by minute resolution, 1,050 by full ponencia or lack of doctrinal value and seven were transferred to other courts. The total case output of 4,647 as against the total case input of 11,990 provides a case disposal percentage of thirty-nine percent (39%). A total of 7,343 cases remain pending (Vidal, 2020). Despite great efforts of the Philippine courts to eliminate or at least address the problems on case congestion and delays in the judicial system, it has continued to be an obstacle in the attainment and administration of justice (White, 2013).

According to Carpio (2013), one factor identified to cause case congestion is human constraints or failures which basically refer to the weaknesses of the people involved in the administration of justice such as the judges, lawyer-advocates, court personnel, prosecutors, defense counsel, process servers, and others connected to or with the system. Out of court settlement or alternative dispute resolution offers an effective and less expensive way of solving legal disputes and addressing the issues of costs and delays in the Philippine judicial system (Cuy, 2017). Making use of this alternative offers efficiency, cost-savings, privacy, confidentiality and speed. Moreover, it discourages the indiscriminate filing of cases in the courts, thus, relieving case congestion (Campang, 2018). The administration of justice should not require too much time, too much money, and too much controversy (Caldo, 2015). Justice should not only be attained by going through the intricacies of a trial, but in giving it to whom it is due. Most importantly, justice should never be delayed because being unable to render justice when it is due, defeats the sole and idea of justice (Vidal, 2013).



ETCOR Educational Research Center
PHILIPPINES
Sta. Ana, Pampanga, Philippines

INTERNATIONAL
MULTIDISCIPLINARY
RESEARCH CONFERENCE



Website: <https://etcor.org>

NBDB NATIONAL BOOK
DEVELOPMENT BOARD
PHILIPPINES



ETCOR
REVIEW CENTER
Embracing the Culture of Research



iJOINED ETCOR
P - ISSN 2984-7567
E - ISSN 2945-3577

The Exigency
P - ISSN 2984-7842
E - ISSN 1908-3181

The signing of Presidential Decree (PD) 1508 otherwise known as Katarungang Pambarangay (KP) by President Ferdinand E. Marcos in 1978 led for the promotion of relationships among the constituents of barangay being the smallest local government unit in the Philippines. This regulation pertains to the mediation, conciliation and arbitration of petty criminal and civil cases at the village level (Ramos & Sivia, 2011). The said law was enacted to promote the speedy administration of justice, to minimize the indiscriminate filing of cases in courts, to minimize the congestion of court dockets and thereby enhance the quality of justice dispensed by the courts, to perpetuate and recognize the time-honored tradition of amicably settling disputes at the community level (Boysillo, 2017).

In 1991, PD 1508 was repealed by Republic Act 7160 otherwise known as the Local Government Code (LGC). The KP provision (Sections 399-422) found in Chapter 7, Title I. Book III of the LGC gives the barangay mandate to assist for amicable settlements of all disputes among the barangay members by the creation of Lupong Tagapamayapa (Lupon) or the group of conciliators who serve as impartial body to hear and investigate cases at the barangay (village) level.

The Lupong Tagapamayapa is composed of the Punong Barangay, as the chairman and 10 to 20 members. Any person actually residing or working in the barangay, not otherwise expressly disqualified by law, and possessing integrity, impartiality, independence of mind, sense of fairness, and reputation for probity, may be appointed a member of the Lupon and shall (a) exercise administrative supervision over the conciliation panels provided herein, (b) meet regularly once a month to provide a forum for exchange of ideas among its members and the public on matters relevant to the amicable settlement of disputes, and to enable various conciliation panel members to share with one another their observations and experiences in effecting speedy resolution of disputes, and (c) exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance. The Lupon is constituted every three years with the election of a new Punong Barangay. All disputes who actually residing in the barangay and in the same city or municipality are subjected to proceedings of amicable settlement (Guray, 2011). The jurisdiction of the KP is limited to cases where the exemptions are: crimes committed by government personnel in the performance of official duties; offenses punishable by imprisonment exceeding one year or a fine exceeding five thousand pesos; offenses where there is no private offended party; involving real properties located in different cities or municipalities; such other classes of disputes that the KP has the jurisdiction (Republic Act 7160). The system is exemplified by informal processes and the prohibition of the presence of lawyers during its proceedings (Aquino, 2018).

Despite the high crime resolution rate in the province which was significantly higher 91% compared with Region I's average of 65%, criminality is still a major problem in the society (Philippine Information Agency, 2019). This is because the reports are not reflective of the total incidence in the barangays particularly those petty issues and concerns of the locality such intriguing one's honor, alarms and scandal, small amount theft, and others (Apilado, 2010). The Province of La Union has an overall criminal resolution rate of 34% in 2019. This is remarkably low in an area seeking peace and order. This record does not even show the petty crimes being committed in the barangay level (Aquino, 2016).

This study is imperative in the quest to gain insights on how justice is served and delivered to barangay being the smallest local government unit and how the KP is beneficial as one of the tenets in a democratic process. This study enables the researchers who are residents of their own barangay to understand the legal concepts. Results of this research shall be the basis in coming up with training design on KP that can be beneficial on the part of Lupong Tagapamayapa.

Research Questions

This study assessed the compliance and competencies on the *Katarungang Pambarangay (KP)* law in the Province of La Union. Specifically, this study answered the following questions:

1. What is the compliance of the barangays in terms on the following provisions of the *Katarungang Pambarangay Law*:
 - 1.1 Creation of Lupong Tagapamayapa
 - 1.2 Functions of Lupong Tagapamayapa
 - 1.2.1 Punong Barangay



ETCOR Educational Research Center
PHILIPPINES
Sta. Ana, Pampanga, Philippines

INTERNATIONAL
MULTIDISCIPLINARY
RESEARCH CONFERENCE



Google

Website: <https://etcor.org>



NATIONAL BOOK
DEVELOPMENT BOARD
PHILIPPINES



iJOINED ETCOR
P - ISSN 2984-7567
E - ISSN 2945-3577



The Exigency
P - ISSN 2984-7842
E - ISSN 1908-3181

- 1.2.2 Barangay Secretary
- 1.2.3 Pangkat Tagapagkasundo Chairman
- 1.2.4 Pangkat Tagapagkasundo Secretary
- 1.2.5 Lupong Tagapamayapa (in general)
- 1.3 Procedures in amicable settlement
 - 1.3.1 Filing
 - 1.3.2 Hearing
 - 1.3.3 Settlement
 - 1.3.4 Execution?
2. What is the extent of knowledge of the *Lupon Members* based on their proficiency to the Katarungang Pambarangay Law as to the following provisions:
 - 2.1 General overview of Katarungang Pambarangay
 - 2.2 Responsibilities of the local government officials
 - 2.3 Creation of the Lupon
 - 2.4 Functions of the Lupon
 - 2.5 Creation of the Pangkat
 - 2.6 Role and authority of Lupon members
 - 2.7 Jurisdiction of KP system
 - 2.8 Procedures and time-frame for settlement
 - 2.9 Force and effect of settlement agreement
 - 2.10 Forms of Katarungang Pambarangay
 - 2.11 Mediation
 - 2.12 Conciliation
 - 2.13 Arbitration?

METHODS

Research Design

This study used the descriptive method of research. According to Calderon (2013), descriptive method is also known as statistical research, it describes data and characteristics about the population or phenomenon being studied. Specifically, this study utilized descriptive method in order to determine the compliance and extent of knowledge of the Lupong Tagapamayapa in the Province of La Union with regards to the Katarungang Pambarangay Law. This is very appropriate in the present study as it purported to describe the compliance of the barangays in the KP Law provisions through the data gathered and narratives taken down from the respondents. This study evaluated objectively if the Lupon members are adherent to the legal standards of the operation of Katarungang Pambarangay in the selected barangays of fifth class municipalities in the province of La Union.

Population and Sampling

The *Lupong Tagapamayapa* in the province of La Union were the primary sources of data. The selection of respondents underwent four (4) stages to determine the sample. The first stage is the determination of the 30% from the total number of barangays per municipality; the second stage is the classification of the barangays into rural and urban; the third stage is the determination of these rural and urban barangays based on the number of Lupon members.

All barangays were grouped based on the following classifications: (1) with 1-10 Lupon members, (2) with 11-20 Lupon members. In case the municipality has one (1) or two (2) urban barangay, it was considered to be a respondent. Finally, the barangays considered for this study were chosen through random sampling with equal representation using lottery. The total number of respondents is 1774 Lupong Tagapamayapa members which includes the Punong Barangays and Barangay Secretaries from 171 barangays in the Province of La Union.

In addition, the researcher also conducted semi-structured interviews to the barangay captains, barangay secretaries and some of the Lupon members in order to validate and verify the information gathered. The selection of those who were interviewed was primarily based on the role and accuracy of their answers. These validations and



verifications were crucial in the data gathering as this confirmed or disconfirmed the information stated in the questionnaire.

Instrument

The survey questionnaire was the primary data gathering instrument of the study which was divided into two parts. The first part is on the compliance of the respondent barangays to the provisions of KP Law particularly on creation of the Lupon, functions of the Lupon, procedures in amicable settlement, conciliation, arbitration and arbitration award. The basis of the formulation of the questionnaire is the Local Government Code of 1991, Sections 399 to 422.

The second part of the questionnaire dealt on the extent of knowledge of the *Lupong Tagapamayapa* to the *Katarungang Pambarangay* Law. To measure this, 50 item multiple choice type of examination was administered to the Lupon. The items were lifted from the Handbook in *Katarungang Pambarangay* by Sosmena (2000) of the Local Government Development Foundation Inc. Likewise, the manual being used during trainings of barangay officials. The items were categorized into thirteen topic categories: namely, general overview, responsibilities, creation of the Lupon, functions of the Lupon, creation of the pangkat, role and authority of Lupon members, jurisdiction of the KP system, procedures and time-frame for settlement, force and effect of settlement agreement, forms of KP, mediation, conciliation and arbitration.

To ensure the content validity of the questionnaire, the researcher sought the expertise of lawyers for the legal and technical aspects of the instrument. Expert in language served as the English critic. Their comments and suggestions were inputs for the improvement of the questionnaire. Moreover, in order to determine the reliability of the questionnaire, the researchers piloted the administration of questionnaires to the 60 respondents from barangays Inmalog Sur, Inmalog Norte, Gumot and Alacan in the Municipality of San Fabian, Pangasinan and barangays Lacong, Del Pilar and Quirino of the Municipality of Tagudin, Ilocos Sur. The results of the reliability tests was computed through cronbach's alpha.

Data Collection

The data were gathered, read, and analyzed following the objective of the study and in adherence to all protocols in the conduct of research.

Treatment of Data

The compliance of the barangays and extent of knowledge of the Lupong Tagapamayapa members to the provisions of the Katarungang Pambarangay Law was statistically treated through frequency counts and percentages. The data was analyzed as to how many of the respondents complied with the requirements set by law and how many understood or were familiar with the provision of the KP Law.

In addition, narrative analysis was used to qualitatively integrate the results from the interview conducted. Direct quotation was used to capture the statements made by the interviewees. Lastly, documents were used to analyze the flow of the KP procedures. The documents reviewed were the respondent barangays minutes of the proceedings, sample of complaint forms, summons, and certificate to file action. These documents were analyzed and translated into a meaningful qualitative data incorporated in the discussion of findings.

Lastly, in the preparation of the training design, the researchers analyzed the result of extent of knowledge per topic and devised a scale to address the emphasis during the conduct of training. Those which are least understood topics were given more time while those best understood were given less time.

Ethical Considerations

The researcher ensured that all research protocols involving ethics in research were complied with for the protection of all people and institutions involved in the conduct of the study.



RESULTS and DISCUSSION

Compliance of Barangays to the *Katarungang Pambarangay* Law

It can be gleaned from Table 1 that almost all of the provisions of the *Katarungang Pambarangay* Law have 90% and above compliance of the barangays covered in this study. The exuding compliance denotes concerted efforts of the barangay organization particularly the *Lupong Tagapamayapa* in order to achieve conformity under the rule of law. This performance is reflective on their enthusiasm to adhere the spirit and intent of the Local Government Code particularly in decentralizing the settlement of disputes at the community level. Through this effort of the barangay, they are helping the regular courts unclogging dockets in order to serve justice the most expeditious way.

Table 1. Summary Table for Compliance of Barangays to the *Katarungang Pambarangay* Law

| Specific Provisions of the <i>Katarungang Pambarangay</i> Law | % of Barangays Complied |
|---|-------------------------|
| ▪ Creations of the Lupon | 93.33 |
| ▪ Functions of the Lupong Tagapamayapa | |
| ○ Barangay Chairman | 94.74 |
| ○ Barangay Secretary | 97.66 |
| ○ Pangkat Tagapagkasundo Chair | 95.18 |
| ○ Pangkat Secretary | 96.47 |
| ○ Lupong Tagapamayapa | 89.91 |
| ▪ Procedures of Amicable Settlement | |
| ○ Filing | 93.57 |
| ○ Hearing | 95.52 |
| ○ Settlement | 95.91 |
| ○ Execution | 90.05 |

Individually, the highest is on the provision of Barangay Secretary's roles and functions (97.66%). This implies that almost all of the respondent barangays are adhering to the mandated functions of the barangay secretary as enshrined in the Local Government Code. In addition, the barangay secretary performs other duties such as assisting the Barangay Chairman in implementing his duties and responsibilities. The barangay secretaries are familiar basic legal forms such as affidavits, summons, subpoena and petitions. These documents or evidences served as anecdotal record of their constituents in the future. The barangay captain has something to look into and review the past record of the litigants.

The second highest in terms of percentage is on the provision of pangkat secretary (96.47%). The Pangkat Secretary takes care of the files and keeps all the records that has transpired in the conciliation procedure. Without record keeper, it will make the procedure hasty and unorganized. The Pangkat Secretary must be observant and vigilant in putting all the information that must be filed. With the use of computer, the Pangkat Secretary can easily access the record. This is observed in most of the respondent barangays. They have now embraced modern way of filing data as compared to the traditional where typewriter is still being used. This implies that even secretaries who are advanced in years are keeping themselves abreast with the demands of new technology.

In the study of Austral (2012), it was found out that barangay Gubat in Sorsogon was complying with the functions of Pangkat Tagapagkasundo Secretary as prescribed in the KP Law and they issued notice of hearing, recording, submitting, receiving, and keeping the records of proceedings submitted to their Punong Barangay by the various conciliation panels. Based on the study of Lo (2014), it showed that the Pangkat secretaries in the City of Naga, Albay complied with the functions in keeping the minutes of proceedings. He also said that the Pangkat secretaries maintain barangay databases and keep all the documents. This requires attention to detail and the ability to do multitask.

Among the provisions, the lowest in terms of percentage is on *Lupong Tagapamayapa* (89.91%) although it can still be considered as high compliance. This means that Lupong Tagapamayapa follow the functions mentioned in the provision of the law. This is attributed to the experiences gained through the years as the Lupon members have been in the position for quite some time. In addition, this divulges the Lupong Tagapamayapa members' less



ETCOR Educational Research Center
PHILIPPINES
Sta. Ana, Pampanga, Philippines

INTERNATIONAL
MULTIDISCIPLINARY
RESEARCH CONFERENCE



Google

Website: <https://etcor.org>



iJOINED ETCOR
P - ISSN 2984-7567
E - ISSN 2945-3577



The Exigency
P - ISSN 2984-7842
E - ISSN 1908-3181

commitment towards their functions as their family concerns take precedence over barangay concerns. It is very rare to see nowadays a barangay official who gives his/her full commitment to the cause of barangay needs and demands. The ever changing structure of society as well as social values is influential on how the Lupon members view their roles or functions.

The study of Teehankee (2008) revealed that the Lupon members were complying with the administrative supervision over the conciliation panels. Moreover, the Lupon as a body meets once a month to exchange views and observation regarding the workings of the system or their experiences as conciliators in the settlement of disputes.

Extent of Knowledge of the Lupon Members to the Katarungang Pambarangay Law.

The summary of extent of knowledge of *Lupon* members to the *Katarungang Pambarangay* Law is shown in the succeeding table. Evidently, the Lupon members have limited knowledge to most of the topics with less than 50% of them got the answers correctly on the text given.

Table 2. Summary Table for Extent of Knowledge of the Lupon Members to the KP Law

| Topics | % of Lupon Members who Answered Correctly |
|--|---|
| ▪ General Overview of Katarungang Pambarangay | 64.81 |
| ▪ Responsibilities of the Local Government Officials | 33.18 |
| ▪ Creation of the <i>Lupon</i> | 64.22 |
| ▪ Functions of the <i>Lupon</i> | 47.58 |
| ▪ Creation of the <i>Pangkat</i> | 48.54 |
| ▪ Role and Authority of <i>Lupon</i> Members | 40.62 |
| ▪ Jurisdiction of the KP System | 45.27 |
| ▪ Procedures and Time-Frame for Settlement | 41.55 |
| ▪ Force and Effect of Settlement Agreement | 37.84 |
| ▪ Forms of Katarungang Pambarangay | 43.22 |
| ▪ Mediation | 46.79 |
| ▪ Conciliation | 48.34 |
| ▪ Arbitration | 51.85 |

This shows that there is inadequacy of knowledge with their ability to understand the concepts, theories, provisions and doctrines surrounding the KP Law. The *Lupon* members find difficulty to be familiarized with the law which is a must to a conciliator, mediator or arbitrator. This is also an interesting finding of the study since based on their fair level of proficiency; most of them lack knowledge on the examination given. There must be interrelation to be undertaken in order for others to cope with the topics covered by the KP Law.

This reality in the municipalities of La Union does not go far with the realities in other regions. Abaya (2010) revealed that community residents in the National Capital Region have "fair" level of proficiency on the BJS program as one of the main operational problems, and suggest more and better training for both the barangay captain and the *Lupon* members. The operation of the *Katarungang Pambarangay* training helped the *Lupon* on resolving cases in the barangays. Also, the study of Blue, Devanadero and Leylo (2008), concluded that training is considered effective if this is focused on listening, consulting, mediating and conciliation skills rather than on formal knowledge of law. The *Lupong Tagapamayapa* members need considerable support to keep them motivated including continuous training, motivational meetings and some form of money honorarium.

Highest among the topics is on the General Overview of Katarungang Pambarangay with 64.81% of the respondents answered correctly. This indicates that the respondents have a working knowledge on the integration of PD 1508 to RA 7160 and the president who signed it into law. This reveals further that the Lupon members know the specific agency, the DILG which oversees the implementation of the Katarungang Pambarangay. However, as shown in the finding that there are respondents who have insufficient knowledge on the general overview of Katarungang Pambarangay. This is related to the study of Tabucanon (2014) who stated that the Lupon Tagapamayapa members are knowledgeable on the history, purpose, and operational structure of the Katarungang Pambarangay. In addition, the Lupon discussed that the overall indication of Katarungang Pambarangay is to recognize the tradition of



ETCOR Educational Research Center
PHILIPPINES
Sta. Ana, Pampanga, Philippines

INTERNATIONAL
MULTIDISCIPLINARY
RESEARCH CONFERENCE



Website: <https://etcor.org>

NBDB NATIONAL BOOK
DEVELOPMENT BOARD
PHILIPPINES



NBDB NATIONAL BOOK
DEVELOPMENT BOARD
PHILIPPINES



iJOINED ETCOR
P - ISSN 2984-7567
E - ISSN 2945-3577



The Exigency
P - ISSN 2984-7842
E - ISSN 1908-3181

barangay-centered dispute resolution.. The study of Garceniego (2015) revealed that the Lupon members in selected barangays of Bacolod City have knowledge in the history of Barangay Justice System.

Next to it is on the topic, *Creation of Lupon* with 64.22% of them answered correctly.. This implies that there are still Lupon members who are not knowledgeable in the constitution of the Lupon. The study of Husay (2012) revealed that the Lupon members of barangay Nasyon in the City Science of Munoz knew the procedures in the creation of Lupon. Also, the residents were given a ten (10) day period to give their comments or pose their objections to the nominees before the Punong Barangay would issue formal appointment. On the creation and composition of Lupon Tagapamayapa in Sabang, Puerto Galera in Oriental Mindoro, the Lupon members from urban areas are more knowledgeable on the creation of the Lupon Tagapamayapa than the Lupon in rural areas. This could be explained by the fact that in rural areas in Sabang, where the Lupon members, although receiving compensation, lack knowledge and are inactive. The dispute resolution then, is practiced by the Barangay Tanods and the kagawads (Aquino, 2018).

The lowest among the topics is on the responsibilities of LGU officials with only 33.18% of them answered correctly. It depicts that few of the Lupon Tagapamayapa members are aware on the role of the municipal monitoring unit to ensure the compliance of the barangays in the KP provisions. This is also to provide the DILG periodic program implementation feedback. Specifically, many of the respondents from covered barangays in La Union have an insufficient familiarity on the topic.

This denotes lack of familiarity of the Lupon members on the responsibilities of the Local Government Officials. The respondents as the primary implementers of Katarungang Pambarangay have to look into these provisions as barangays are mandated to give report to DILG a periodic program implementation feedback to monitor the responsibilities and duties of the Lupon members. This is a basic information that a Lupon member should know.

This finding is similar to the observation of Sam (2013) whose study focused on barangay justice system in Maguindanao Province. He pointed out that the Lupon members have inadequate knowledge on their responsibilities as well as the duties of the Local Government Officials. They are not working in synergy and unison which would result to an unsuccessful organization and service delivery in their barangay. He also said that the Lupon Tagapamayapa members, being the implementers of the law should not only limit themselves on understanding the provisions but more importantly on its actualization.

Summary, Conclusions, and Recommendations

The cornerstone for peace and order in a given society is justice. This study assessed the status of Katarungang Pambarangay (KP) as an alternative mode of settling disputes in the 171 barangays of the province of La Union. Specifically, it determined the compliance of the Lupon Tagapamayapa members on the KP provisions in terms of the creation, functions, and procedures of amicable settlement and the extent of knowledge of the Lupon members based on the level of proficiency to the Katarungang Pambarangay law.

This study used the descriptive research design using the survey method involving 1,774 Lupon Members from 171 barangays of the 20 LGUs in the province. Data gathering tool was questionnaire involving a checklist type for the compliance part and examination multiple choice question type for the extent of knowledge. To validate the answers in the compliance part, the researchers conducted informal interviews as well as documentary reviews. Frequency counts and percentages were used to analyze the data.

The results showed that there were barangays which do not comply with the provisions of the law. They exuded low extent of knowledge on the KP Law as it is evidenced by the poor performance on the examination given to them. As an interface of this research, a training design was developed to address the issues and concerns of the Lupon in the covered LGUs.

The researchers concluded that the barangays covered in this study have lapses in the fulfillment of the mandates of the Katarungang Pambarangay Law. They deviate to some of the standards because of circumstances beyond their control, means and resources. The members of the Lupon Tagapamayapa have limited and superficial knowledge on the Katarungang Pambarangay Law.

The barangays may initiate self-compliance audit to conform to the standards set by law since provisions of the law are not negotiable but enforceable. The municipal governments covering these barangays may conduct regular training and seminar to enhance their knowledge on the Katarungang Pambarangay Law.

Trainings and seminars on Katarungang Pambarangay may be initiated to further educate the Lupon members. The Lupon should enter into partnership with universities (academe) to extend further trainings in Katarungang Pambarangay like what is being extended by the Public Administration Department. It is recommended that the Training Module will be translated in functional Iloko or Tagalog to be used in the clientele barangays of the



ETCOR Educational Research Center
PHILIPPINES
Sta. Ana, Pampanga, Philippines



Website: <https://etcor.org>



NATIONAL BOOK
DEVELOPMENT BOARD
PHILIPPINES



iJOINED ETCOR
P - ISSN 2984-7567
E - ISSN 2945-3577



The Exigency
P - ISSN 2984-7842
E - ISSN 1908-3181

Public Administration extension program. The training design prepared by the researchers may be an initial step to pursue this extension activity.

REFERENCES

- Abaya, A.T. (2010) *The Role of Mediation in Judicial Reform: The Philippine Experience*, Typescript, Retrieved on September 2010 from www.gsdr.org
- Apilado R. (2010). *Dispensing Barangay Justice through Lupong Tagapamayapa in Barangay Bagong Nayan, Antipolo City, Rizal*. Retrieved from www.ombudsman.gov.ph
- Aquino E., Pila, R., & Buraga, J. (2016). *Effectiveness of the Crime Prevention Approaches in Mandaluyong*. International Journal of Research in Social Sciences and Humanities
- Aquino R. (2013). *Towards a Citizen-Driven Justice System: An Institutional Assessment of the Philippine Barangay Justice System*. Retrieved November 15, 2016, from https://doclegend.com/towards-a-citizen-driven-justice-system-an-institutional-assessment-of-the-barangay-justice-system_5a167176d64ab28f8c6d9eed_pdf
- Aquino, E. (2011). *Barangay Justice: Fighting the Evil of Relay in our Justice System*. Retrieved from <https://brgyjustice.wordpress.com/tag/Lupong-tagapamayapa/>
- Aquino, M. P (2016). *Governor Ortega mentions La Union scores high on peace, order*. Retrieved on March 15, 2016 from <http://news.pia.gov.ph/article/view/311457487806/la-union-scores-high-on-peace-order>
- Aquino, R. S (2018). *Five Municipal Case Studies on the Philippines Barangay (Village) Mediation System*. Mediator Network for Sustainable Peace, Inc., Philippines. Retrieve from mediator@digitelone.com; saliksik@yahoo.com
- Asia Foundation (2011). *Rapid Field Appraisal of Decentralization in the Philippines*. Retrieved from <https://asiafoundation.org/resources/pdfs/01synopsis.pdf>
- Association of Judges of Ireland (2018). *Introduction to the Justice System*. Retrieved from <https://aji.ie/the-judiciary/introduction-to-the-justice-system/>
- Austral, Z. (2012). *A Guide to the Katarungang Pambarangay System*. Retrieved on February 19, 2012 from <https://www.google.com.ph/url?sa=t&source=web&ret=j&url=http://Zalbaketa.org/wp-content/uploads/2016/02/Guide-to-Katarungang-Pambarangay-System>
- Ban Ki-moon (2013). *Annual Report on Peacekeeping*. Retrieved November 16, 2016, from http://www.un.org/en/peacekeeping/documents/civilhandbook/Civil_Affairs_H
- Beleo, E. G. (2016). *Governor Pacoy Ortega wages "all-out war on drugs"* Retrieved on July 15, 2016 from <http://www.sanfernandocity.gov.ph/sfcsite/index.php/en/archives/news-articles/227-gov-pacoy-ortega-wages-all-out-war-on-drugs>
- Blue, R.N., et.al. (2008). *Implementation of the Barangay Justice Service System (BJSS) Project in Mindanao, Philippines*. Assessment of the Centers of Local Governance: United States Agency for International Development
- Boysillo, S. (2017). *Governance of the Barangay Chairpersons in the Municipality of Ubay Bohol*. International Journal of Business and Management Studies: Vol.9, No 1m 2017. Retrieved on November 26, 2017 from <http://dergipark.gov.tr/download/article-file/440187>



ETCOR Educational Research Center
PHILIPPINES
Sta. Ana, Pampanga, Philippines



Website: <https://etcor.org>



iJOINED ETCOR
P - ISSN 2984-7567
E - ISSN 2945-3577



The Exigency
P - ISSN 2984-7842
E - ISSN 1908-3181

- Braton & Andrews (2013). *Eight Steps to Reduce Crime*. Americas Quarterly:. Retrieved April 3, 2017 from <http://www.americasquarterly.org/node/1500>
- Calderon, J. (2013). *Methods of Research and Thesis Writing*. Retrieved from <http://www.e-lib.gov.ph/results.php?f=author&q=calderon%2C+Jose+F>
- Caldo RB (2015). *Assesment of Competency Measures of Barangay Officials in San Jose, Sto.Tomas, Batangas*. Proceedings of the DLSU Research Congress 2015: Retrieved from http://www.dlsu.edu.ph/conferences/dlsu_research_congress/2015/proceedings/LCCS/011LCS_Caldo_RB.pdf
- Campang, R. (2018). *Small Claims Courts and Barangay Justice Advocates Collaborate to Resolve Disputes*. Retrieved on April 19, 2015 from https://www.americanbar.org/advocacy/rule_of_law/where_we_work/asia/philippines/news/news_philippines_barangay_justice_advocates_collaborate_with_small_claims_courts_1010.html
- Campbell, C. (2015). *Difference Between Venue and Jurisdiction*. Retrieved on January 5, 2015 from differencebetween.com/difference-between-venue-and-jurisdiction/
- Canadian Bar Association (2016). *Study on Access to the Justice System-Legal Aid*. Retrieved on December 2016 from <https://www.cba.org/CMSPages/GetFile.aspx?guid=8b0c4d64-cb3f-460f-9733-1aaff164ef6a>
- Cariño, J. (2015). *The Local Government Code of 1991*: Annotated Edition. Philippine Graphic Arts. Caloocan City, Philippines
- Carpio, A. (2013). *Addressing Case Congestion in the Philippines*. Retrieved November 25, 2017 from http://www.academia.edu/8349825/Addressing_Case_Cong
- Codamon, R. (2017). *Effectiveness of Training and Development on Katarungang Pambarangay*. Retrieved December 4, 2017 from https://www.sil.org/system/files/reapdata/16/46/70/164670722377247935427360720677571962693/YoungC_PhD_Thesis.pdf
- Cuaresma L.L (2016). *.B. No. 2851 or an Act Expanding the Jurisdiction of the Katarungang Pambarangay, Amending for the Purpose Republic Act No. 7160, Otherwise Known as the Local Government Code of 1991*. Seventeenth Congress Republic of the Philippines First Regular Session: H
- Cuy, G. (2017) *DILG awards outstanding Lupong Tagapamayapa*. Retrieved on December 13, 2017 from www.dilg.gov.ph/news/DILG-awards-outstanding-Lupong-tagapamayapa/NC-2017-1284
- De Jesus R. & Zaide E. (2013). *Implementation of Katarungang Pambarangay in Selected Municipalities of Laguna*. Retrieved December 4, 2017 from kupdf.com_thesis.pdf
- De Lima, L. (2015). *Barangay Justice System in Tanay, Rizal*. Retrieved from <http://tanay.gov.ph/for-residents/news-events/105-doj-sec-de-lima-graces-barangay-justice-system-seminar-in-tanay>
- European Mediation Directive, (2014). *Assessment of the Centers of Local Governance: Implementation of the Barangay Justice Service System (BJSS) Project in Mindanao, Philippines*. United States Agency for International Development
- Garcia and Macatangay (2015). *Perceived Compliance of Lupong Tagapamayapa in Selected Barangays of Mabini, Batangas*. Retrieve from <http://cti.batstateu.edu.ph/rmis/do=guestview&go=guestviewresearch&researchhid=1162>
- Guerrero, J. C. (2016). *Governor Pacoy's ELA focuses on peace and order and capacity development*. Retrieved from <http://www.launiontribune.com/gov-pacoy-s-ela-focuses-on-peace-and-order-and-capacity-development/>



ETCOR Educational Research Center
PHILIPPINES
Sta. Ana, Pampanga, Philippines



Website: <https://etcor.org>



iJOINED ETCOR
P - ISSN 2984-7567
E - ISSN 2945-3577



The Exigency
P - ISSN 2984-7842
E - ISSN 1908-3181

- Guray C. (2011). *Annual Report: Lupong Tagapamayapa Incentives and Awards (LTIA)*. Retrieved from <http://www.dilgcar.com/images/TRANSPARENCYSEALDOCS/II/annualrep2011narrative1.pdf>
- Hays, J. (2014). *Legal System, Crime, Police and Lack of Justice in Myanmar*. Retrieved on May 2014 from http://factsanddetails.com/southeast-asia/Myanmar/sub5_5f/entry-3105.html
- Holton, K. (2018) *Subpoena and Summon Differentiated*. Retrieved on January 4, 2018 from <https://www.holtonlaw.com/library/understanding-when-and-why-subpoenas-are-served.cfm>
- Honeybean, A. (2013). *What ails local service delivery of public goods and services*. PIDS Policy Notes No 200907. Makati City: *Philippine Institute for Development Studies*. Retrieved from <http://publication.pids.gov.ph/details.phtml?pid=4533>
- Hossain, S., Zaman, N. (2016). *Cost-Benefit Study on Implementing Village Courts in Union Parishads of Bangladesh*. Retrieved from http://www.compenhageconsensus.com/sites/default/files/hossain_village_courts.pdf
- Human Right Watch. (2017). *Why Justice is Expensive in the Philippines?* Retrieved from <https://www.hrw.org/asia/singapore>
- Kerman, P. (2014). *Current Global Criminal Justice System*. Retrieved from <http://www.azquotes.com/quote/841203>
- Lexo, P. (2011). *The importance of accurate subpoenas*. Retrieved on January 11, 2011 from <https://www.lexology.com/library/detail.aspx?g=083775e9-c26a-4769-8cb2-9a0e686aa0ca>
- Litvak, M. (2014). *Dispute Resolution: Civil Justice and its Alternatives. Introduction, in The Modern Law Review, Vol. 56, No 3, May 2010, pp. 277-281*
- Lo, R. (2014). *Duties of Pangkat Secretary-Barangay Information*. Retrieved on March 29, 2014 from <http://barangayinfo.com/2014/03/duties-of-pangkat-secretary.html?m=1>
- Macmac (2017). *Role of Training for the Lupong Tagapamayapa*. Retrieved from file:///i:/KP/Balibago%20hosts%20Katarungang%20Pambarangay%20seminar%20_%20Sunstar.html
- National Capital Region BJS (2008). *The Barangay Justice System in the Philippines*. Retrieved from <http://www.gsdr.org/docs/open/ssaj15.pdf>
- OSAC Annual Report on Venezuela. (2015). Retrieved November 17, 2016, from <https://www.osac.gov/pages/ContentReportDetails.aspx?cid=17137>
- Overseas Security Advisory Council. (2015): *Malaysia 2015 Crime and Safety Report*. Retrieved from <https://www.osac.gov/pages/ContentReportDetails.aspx?cid=17215>
- Philippine Information Agency (2020). *The Crime Statistics in the Province of La Union*. Retrieved November 22, 2020 from <http://launion.gov.ph/news>
- Philippine National Police (2020): *Crime Index Annual Report 2020*. Retrieved from <http://www.pnp.gov.ph/images/publications/AR2016.pdf>
- PNP La Union (2019). *Governor Ortega State of the Province Address. Provincial Government of La Union Website*. Retrieved November 22, 2019 from <http://launion.gov.ph/news>
- Preez O. (2014). *Procedia Social and Behavioral Sciences- Conciliation: A Founding Element in Claims Management*. Retrieved from https://www.irbnet.de/daten/ iconda/CIB_DC22748.pdf



Preez, O. (2014). *Mediation and conciliation as methods of Alternate Dispute Resolution (ADR) in the construction industry*. Retrieved April 23, 2018 from http://www.irbnet.de/daten/iconda/CIB_DC22748.pdf

Provincial Government of La Union (2020). *Profile of the Province of La Union*. Retrieved from www.launion.gov.ph

Ramos and Silvia (2011). *The Barangay Justice System in the Philippines: Is it an Effective Alternative to Improve Access to Justice for Disadvantaged People?*. Retrieved from www.ijhssnet.com

Republic Act 7160, Local Government Code of 1991

Rojo, S.S.R. (2010). *The Barangay Justice System in the Philippines: Is it an Effective Alternative to Improve Access to Justice for disadvantaged People?* Dissertation for the MA in Governance and Development Institute of Development Studies University of Sussex. Retrieved on September 2010 from www.gsdc.org

Roxas, M. (2014). *Roxas: Gov't saves P3.1-B thru Barangay Justice System*. Retrieved from [http://www.dilg.gov.ph/news/Roxas-Govt-saves-P31-B-thru-BarangayJustice System/NC-2014-798](http://www.dilg.gov.ph/news/Roxas-Govt-saves-P31-B-thru-BarangayJustice%20System/NC-2014-798)

Salom, M. (2013). *Status of Barangay Justice System (Katarungang Pambarangay) in Selected Barangays of the City of San Fernando, La Union 2013*

Sam R.A (2013). International Journal of Humanities and Social Science: *Barangay Justice Service System (BJSS) Project as an Alternative Mechanism in Dispute Resolution in Maguindanao, Southern Philippines*. Retrieved from [http://www.aijssnet.com/journals.Vol 3_ No_3_May_2014/9.pdf](http://www.aijssnet.com/journals/Vol%203_No%203_May_2014/9.pdf)

Sarker, N. (2013). Institute of Governance Studies. Retrieved on March 2013 from <http://dspace.bracu.ac.bd/bitstream/handle/10361/3506/12172018.pdf?sequence=1>

Sosmena, E. (2000). Training Manual in *Katarungang Pambarangay*. Department of Interior and Local Government.

Tabucanon, G. M. (2014). *Mediation Manual for Barangay Lupon Officials*. Quezon City: Rex Printing Company, Inc.

United Nations (2013). *The Justice System: Issues and Challenges*. Retrieved March 16, 2017 from <http://www.un.org/en/we-must-get-justice.html>.

United Nations (2015). *Access to Justice and the Rule of Law*. Retrieved March 26, 2017 from <https://www.un.org/ruleoflaw/thematic-areas/access-to-justice-and-rule-of-law-institutions/access-to-justice/>

UNODC (2013). *Handbook on the crime prevention guidelines*. Retrieved April 3, 2017 from https://www.unodc.org/pdf/criminal_justice/Handbook_on_Crime_Preven

Vaughan, K., Parker, I., Bunt, L., (2015). *Responsive Justice: How citizens experience Justice System*. Retrieved on November 2015 from <https://www.citizensadvice.org.uk/Global/CitizensAdvice/Crime%20and%20Justice%20Publications/Responsivejustice.pdf>

Vidal, M. (2013). *Court of Appeals Annual Report on Court Dockets*. Retrieved from http://ca.judiciary.gov.ph/index.php?action=mnuactual_contents&ap=dispute

White, B. (2013). *The People's Access To Justice: The Barangay Justice System, A Project of the Gerry Roxas Foundation* – Centre for Local Governance, 1997



ETCOR Educational Research Center
PHILIPPINES
Sta. Ana, Pampanga, Philippines

INTERNATIONAL
MULTIDISCIPLINARY
RESEARCH CONFERENCE



Google

Website: <https://etcor.org>



NBDB
NATIONAL BOOK
DEVELOPMENT BOARD
PHILIPPINES

ISSN



iJOINED ETCOR
P - ISSN 2984-7567
E - ISSN 2945-3577



The Exigency
P - ISSN 2984-7842
E - ISSN 1908-3181

- Yale Human Rights and Development Foundation (2017). *Court Performance around the World: A Comparative Study*. Retrieved April 3, 2017 from <http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1009&context=yhrdlj>
- Yu, E. B. (2013). *A Primer on the Barangay Justice system with ADR Law*. Quezon City: Central Book Supply. Retrieved from <http://www.central.com.ph/bookstoreplus/products/AAB922/>