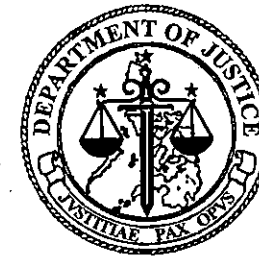


SENATE OF THE PHILIPPINES
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**The Revised
Katarungang Pambarangay Law**

and

**Republic Act No. 7309
on the
Victim Compensation Program**

**and their
Implementing Rules
and Regulations**

**THE REVISED
KATARUNGANG PAMBARANGAY LAW**
(Sections 399-422, Chapter 7)
Title One, Book III, and Section 515, Book IV, Title I, RA 7160
(otherwise known as the Local Government Code of 1991)

CHAPTER 7 - KATARUNGANG PAMBARANGAY

SEC. 399. LUPONG TAGAPAMAYAPA -

- [a] There is hereby, created in each barangay a lupong tagapamayapa, hereinafter referred to as the lupon, composed of the punong barangay as chairman and ten [10] to twenty [20] members. The lupon shall be constituted every three [3] years in the manner provided herein;
- [b] 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;
- [c] A notice to constitute the lupon, which include the names of proposed members who have expressed their willingness to serve, shall be prepared by the punong barangay within the first fifteen [15] days from the start of his term of office. Such notice shall be posted in three [3] conspicuous places in the barangay continuously for a period of not less than three [3] weeks;
- [d] The punong barangay taking into consideration any opposition to the proposed appointment or any recommendations for appointments as may have been made within the period of posting, shall within ten [10] days thereafter, appoints as members those whom he determines to be suitable therefor. Appointments shall be in writing, signed by the punong barangay, and attested to by the barangay secretary;
- [e] The list of appointed members shall be posted in three [3] conspicuous places in the barangay for the entire duration of their term of office; and
- [f] In barangays where majority of the inhabitants are members of indigenous cultural communities, local systems of settling disputes through their councils of datu or elders shall be recognized without prejudice to the applicable provisions of this code.

SEC. 400. OATH AND TERM OF OFFICE — Upon appointment, each lupon member shall take an oath of office before the punong barangay. He shall hold office until a new lupon is constituted on the third year following his new appointment unless sooner terminated by resignation, transfer of residence or place of work, or withdrawal of appointment by the punong barangay with the concurrence of the majority of all members of the lupon.

SEC. 401. VACANCIES — Should a vacancy occur in the lupon for any cause, the punong barangay shall immediately appoint a qualified person who shall hold office only for the unexpired portion of the term.

SEC. 402. FUNCTIONS OF THE LUPON — The lupon 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 dispute; and
- [c] Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

SEC. 403. SECRETARY OF THE LUPON — The barangay secretary shall concurrently serve as the Secretary of the lupon. He shall record the results of mediation proceedings before the punong barangay and shall submit a report thereon to the proper city or municipal courts. He shall also receive and keep the records of proceedings submitted to him by the various conciliation panels.

SEC. 404. PANGKAT NG TAGAPAGKASUNDO -

- [a] There shall be constituted for each dispute brought before the lupon a conciliation panel to be known as the pangkat ng tagapagkasundo, hereinafter referred to as the pangkat, consisting of three (3) members who shall be chosen by the parties to the dispute from the list of members of the lupon.

Should the parties fail to agree on the pangkat membership, the same shall be determined by lots drawn by the lupon chairman.

- [b] The three (3) members constituting the pangkat shall elect from among themselves the chairman and the secretary. The secretary shall prepare the minutes of the pangkat proceedings and submit a copy duly attested to by the chairman to the lupon secretary and to the proper city or municipal court. He shall issue and cause to be served notices to the parties concerned.

The lupon secretary shall issue certified true copies of any public record in his custody that is not by law otherwise declared confidential.

SEC. 405. VACANCIES IN THE PANGKAT — Any vacancy in the pangkat shall be chosen by the parties to the dispute from among the other lupon members. Should the parties fail to agree on a common cause, the vacancy shall be filled by lot to be drawn by the lupon chairman.

SEC. 406. CHARACTER OF OFFICE AND SERVICE OF THE MEMBERS —

- [a] The members, while in the performance of their official duties or on the occasion thereof, shall be deemed as persons in authority, as defined in the Revised Penal Code.

- [b] The lupon or pangkat members shall serve without compensation, except as provided for in Section 393 and without prejudice to incentives as provided for in this Section and in Book IV of this Code. The Department of the Interior and Local Government shall provide for a system of granting economic or other incentives to the lupon or pangkat members who adequately demonstrate the ability to judiciously and expeditiously resolve cases referred to them. While in the performance of their duties, the lupon or pangkat members, whether in public or private employment, shall be deemed to be on official time, and shall not suffer from any diminution in compensation or allowance from said employment by reason thereof.

SEC. 407. LEGAL ADVICE ON MATTERS INVOLVING QUESTIONS OF LAW - The provincial, city legal officer or prosecutor or the municipal legal officer shall render legal advice on matters involving questions of law to the punong barangay or any lupon or pangkat member whenever necessary in the exercise of his functions in the administration of the katarungang pambarangay.

SEC. 408. SUBJECT MATTER FOR AMICABLE SETTLEMENT: Exception Therein — 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:

- [a] Where one party is the government, or any subdivision or instrumentality thereof;
- [b] Where one party is a public officer or employee, and the dispute relates to the performance of his official functions;
- [c] Offenses punishable by imprisonment exceeding one (1) year or a fine exceeding Five thousand pesos (P5,000.00);

- [d] Offenses where there is no private offended party;
- [e] Where the dispute involves real properties located in different cities or municipalities unless the parties thereto agree to submit their differences to amicable settlement by an appropriate lupon;
- [f] Dispute involving parties who actually reside in barangays of different cities or municipalities, except where such barangay units adjoin each other and the parties thereto agree to submit their differences to amicable settlement by an appropriate lupon; and
- [g] Such other classes of disputes which the President may determine in the interest of justice or upon the recommendation of the Secretary of Justice.

The court in which non-criminal cases not falling within the authority of the lupon under this Code are filed may, at any time before trial, motu proprio, refer the case to the lupon concerned for amicable settlement.

SEC. 409. VENUE -

- [a] Disputes between persons actually residing in the same barangay shall be brought for amicable settlement before the lupon of said barangay.
- [b] Those involving actual residences of different barangay 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.
- [c] All disputes involving real property or any interest therein shall be brought in the barangay where the real property or the larger portion thereof is situated.
- [d] Those arising at the work place where the contending parties are employed or at the institution where such parties are enrolled for study, shall be brought in the barangay where such work place or institution is located.

Objections to venue shall be raised in the mediation proceedings before the punong barangay; otherwise, the same shall be deemed waived. Any legal question which may confront the punong barangay in resolving objections to venue herein referred to may be submitted to the Secretary of Justice or his duly designated representative, whose ruling there on shall be binding.

SEC. 410. PROCEDURE FOR AMICABLE SETTLEMENT -

- [a] Who may initiate proceeding - Upon payment of the appropriate filing fee, any individual who has a cause of action against another individual involving any matter within the authority of the lupon may complain, orally or in writing to the lupon chairman of the barangay.

- [b] Mediation by lupon chairman - Upon receipt of the complaint, the lupon chairman 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 mediation 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 this Chapter.

- [c] Suspension of prescriptive period of offenses - While the dispute is under mediation, conciliation, or arbitration, the prescriptive periods for offenses and cause of action under existing laws shall be interrupted upon filing of the complainant with punong barangay. The prescriptive periods shall resume upon receipt by the complainant of the complaint or the certificate of repudiation or of the certification to file action issued by the lupon or pangkat secretary: Provided, however, that such interruption shall not exceed sixty [60] days from the filing of the complaint with the punong barangay.

- [d] Issuance of summons; hearing; grounds for disqualification - The pangkat shall convene not later than three [3] days from its constitution on the day and hour set by the lupon chairman 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. In the event that a party moves to disqualify any member of the pangkat by reason of relationship, bias, interest, or any other similar grounds discovered after the constitution of the pangkat, the matter shall be resolved by the affirmative vote of the majority of the pangkat whose decision shall be final. Should disqualification be decided upon, the resulting vacancy shall be filled as herein provided for.

- [e] Period to arrive at a settlement - The Pangkat shall arrive at a settlement or resolution of the dispute within fifteen [15] days from the day it convenes in accordance with this section. This period shall, at the discretion of the pangkat, be extendible for another period which shall not exceed fifteen [15] days, except in clearly meritorious cases.

SEC. 411. FORM OF SETTLEMENT - All amicable settlements shall be in writing, in a language or dialect known to the parties, signed by them, and attested to by the lupon chairman or the pangkat chairman, as the case may be. When the parties to the dispute do not use the same language or dialect, the settlement shall be written in the language or dialect known to them.

SEC. 412. CONCILIATION

- [a] Pre-condition to filing of Complaint in Court — No complaint, petition, action or proceeding involving any matter within the authority of the lupon shall be filed or instituted directly in court or any other government office for adjudication unless there has been a confrontation between the parties before the lupon chairman or the pangkat, and that no conciliation or settlement has been reached as certified by the lupon secretary or pangkat secretary as attested to by the lupon or pangkat chairman or unless the settlement has been repudiated by the parties thereto.
- [b] Where the Parties May Go Directly to Court — The parties may go directly to court in the following instances:
- [1] Where the accused is under detention;
 - [2] Where a person has otherwise been deprived of personal liberty calling for habeas corpus proceedings;
 - [3] Where actions are coupled with provisional remedies such as preliminary injunction, attachment, delivery of personal property, and support pendente lite; and
 - [4] Where the action may otherwise be barred by the statute of limitations.
- [c] Conciliation among members of indigenous cultural communities — The customs and traditions of the indigenous cultural communities shall be applied in settling disputes between members of the cultural communities.

SEC. 413. ARBITRATION

- [a] The parties may, at any stage of the proceedings, agree in writing that they shall abide by the arbitration award of the lupon chairman or the pangkat. Such agreement to arbitrate may be repudiated within five [5] days from the date thereof for the same grounds and in accordance with the procedure hereinafter prescribed. The arbitration award shall be made after the lapse of the period for repudiation and within [10] days thereafter.
- [b] The arbitration award shall be in writing in a language of dialect known to the parties. When the parties to the dispute do not use the same language or dialect, the award shall be written in the language or dialect known to them.

SEC. 414. PROCEEDINGS OPEN TO THE PUBLIC EXCEPTION — All proceedings for settlement shall be public and informal. Provided, however, that the lupon chairman or the pangkat chairman, as the case may be, may motu proprio or upon request of a party, exclude the public from the proceedings in the interest of privacy, decency, or public morals.

SEC. 415. APPEARANCE OF PARTIES IN PERSON — In all katarungang pamba-

rangay proceedings, the parties must appear in person without the assistance of counsel or representative, except for minors and incompetents who may be assisted by their next of kin who are not lawyers.

SEC. 416. 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 from the date thereof, unless repudiation of the settlement has been made or a petition to nullify the award has been filed before the proper city or municipal court.

However, this provision shall not apply to court cases settled by the lupon under the last paragraph of Section 408 of this Code, in which case the compromise settlement agreed upon by the parties before the lupon chairman or the pangkat chairman shall be submitted to the court and upon approval thereof, have the force and effect of a judgment of said court.

SEC. 417. EXECUTION — The amicable settlement or arbitration award may be enforced by execution by the lupon within six (6) months from the date of the settlement. After the lapse of such time, the settlement may be enforced by action in the appropriate city or municipal court.

SEC. 418. REPUDIATION — Any party to the dispute may, within ten (10) days from the date of the settlement, repudiate the same by filing with the lupon chairman a statement to that effect sworn to before him, where the consent is vitiated by fraud, violence, or intimidation. Such repudiation shall be sufficient basis for the issuance of the certification for filing a complaint as hereinabove provided.

SEC. 419. TRANSMITTAL OF SETTLEMENT AND ARBITRATION — Award to the Court — The Secretary of the lupon shall transmit the settlement or the arbitration award to the appropriate city or municipal court within five [5] days from the date of the award or from the lapse of the ten-day period repudiating the settlement and shall furnish copies thereof to each of the parties to the settlement and the lupon chairman.

SEC. 420. POWER TO ADMINISTER OATHS — The punong barangay, as chairman of the lupong tagapamayapa, and the members of the pangkat are hereby authorized to administer oaths in connection with any matter relating to all proceedings in the implementation of the katarungang pambarangay.

SEC. 421. ADMINISTRATION; RULES AND REGULATION — The city or municipal mayor, as the case may be, shall see to the efficient and effective implementation and administration of the Katarungang pambarangay. The Secretary of Justice shall promulgate the rules and regulations necessary to implement this Chapter.

SEC. 422. APPROPRIATIONS — Such amount as may be necessary for the effective implementation of the katarungang pambarangay shall be provided for in the annual budget of the city or municipality concerned.

SEC. 515. REFUSAL OR FAILURE OF ANY PARTY OR WITNESS TO APPEAR BEFORE THE LUPON OR PANGKAT. — Refusal or willful failure of any party or witness to appear before the lupon or pangkat in compliance with a summons issued pursuant to the provisions on the Katarungang Pambarangay under Chapter 7, Title One of Book III of this Code 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 contending parties. 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 who fails to appear, from seeking judicial recourse for the same cause of action, and the respondent who refuses to appear from filing any counterclaim arising out of, or necessarily connected with the complaint.

A pangkat member who serves as such shall be entitled to an honorarium, the amount of which is to be determined by the sanggunian concerned, subject to the provisions in this Code cited above.

KATARUNGANG PAMBARANGAY IMPLEMENTING RULES AND REGULATIONS

Pursuant to Section 421 of Chapter 7, Title One, Book III of Republic Act No. 7160, otherwise known as the Local Government Code of 1991 approved on October 10, 1991, the following rules and regulations are hereby promulgated to implement the aforesaid Chapter, entitled "Katarungang Pambarangay", which provides for the amicable settlement of disputes at the barangay level, as a compulsory alternative to the formal adjudication of disputes.

RULE I - GENERAL PROVISIONS

SECTION 1. Title — Sections 399 to 422, Chapter 7, Title One, Book III and Section 515, Title One, Book IV of Republic Act No. 7160 shall be known as the Katarungang Pambarangay Law and these implementing rules and regulations shall be known as the Katarungang Pambarangay Rules.

SECTION 2. Construction — These Rules shall be liberally construed in order to promote their object of assisting disputants to obtain a just, speedy and inexpensive amicable settlement of disputes at the barangay level.

SECTION 3. Scope — These Rules shall govern the establishment, administration and operation of the Lupon Tagapamayapa and the Pangkat ng Tagapagkasundo as well as the procedures in settling disputes among barangay members through mediation, conciliation and arbitration.

RULE II - DEFINITION OF TERMS :

The following terms shall have the following meanings:

- [a] Lupon Tagapamayapa hereinafter referred to as Lupon, is the body organized in every barangay composed of the punong barangay as Chairman and not less than ten (10) nor more than twenty (20) members from which the members of every Pangkat shall be chosen.
- [b] Pangkat ng Tagapagkasundo hereinafter referred to as Pangkat, is the conciliation panel constituted from the Lupon membership for every dispute brought before the Lupon and consisting of three (3) members chosen by agreement of the disputants, or if no such agreement is reached, drawn by lot by the Punong Barangay.
- [c] Habeas Corpus Proceeding is a judicial proceeding for the purpose of releasing a person who is illegally deprived of liberty or restoring rightful custody to the person who has been deprived thereof.
- [d] Preliminary injunction is a provisional remedy in the form of an order issued by a judge before whom the action is pending at any stage thereof prior to final judgment requiring a person to refrain from a particular act. It may also require the performance of a particular act, in which case it shall be known as preliminary mandatory injunction.
- [e] Attachment is a provisional remedy in the form of an order issued by a judge before whom the proper action is pending by which the property of the adverse party is taken into legal custody, either at the commencement of the action or at any time thereafter before final judgment, as security for the satisfaction of a judgment obtained by the prevailing party.
- [f] Support pendente lite is a provisional remedy in the form of an order issued by a judge before whom the proper action is pending, granting an allowance for sustenance, dwelling, clothing, education and medical attendance to the party/parties entitled thereto.
- [g] Delivery of Personal Property (Replevin) is a provisional remedy in the form of an order issued by a judge before whom an action praying for the recovery of possession of personal property is pending, for the delivery of such property to the movant upon the filing by the latter of a bond to guarantee its return or to answer for damages.
- [h] Arbitration is a process for the adjudication of disputes by which the parties agree to be bound by the decision of a third person or body in place of a

regularly organized tribunal:

- (i) Statute of Limitations is the law that bars the institution of an action against another after the lapse of the period prescribed therefor.
- (j) Actual Residence is the place where a person actually lives.
- (k) Venue is the place provided by law for filing an action or proceeding.
- (l) Mediation and Conciliation are interchangeable terms indicating the process whereby disputants are persuaded by the Punong Barangay or Pangkat to amicably settle their disputes.
- (m) A minor is a person below eighteen [18] years of age.
- (n) The word "Incompetent" includes persons suffering the penalty of civil interdiction or who are hospitalized lepers, prodigals, deaf and dumb who are unable to communicate, those who are of unsound mind, even though they have lucid intervals, and persons not being of unsound mind, but by reason of age, disease, weak mind, and other similar causes, cannot, without outside aid, take care of themselves and manage their property, becoming thereby an easy prey for deceit and exploitation.
- (o) A next of kin is a relative or a responsible friend with whom the minor or incompetent lives.

RULE III - POWERS AND DUTIES

SECTION 1. Punong Barangay — The Punong Barangay as Chairman of the Lupon, shall have and perform the following powers and duties:

a. Constitution of the Lupon

- [1] Determine within fifteen [15] days from the start of his term of office the actual number, not less than ten [10] days nor more than twenty [20], that will constitute the Lupon. In determining the actual number he shall take into consideration the barangay population and the volume of disputes previously brought for conciliation in his barangay;
- [2] Prepare, within the period mentioned in the immediately preceding paragraph, a notice to constitute the Lupon, which shall include the names of proposed members who are residing or working in the barangay, not otherwise expressly disqualified by law and who have expressed their willingness to serve. The list

of names shall be at least five [5] more than the actual number previously determined in accordance with the immediately preceding paragraph and it shall contain an invitation to the barangay members to endorse or oppose the proposed appointment of any person included in the list or to recommend other persons not included in the list, which endorsement, opposition, or recommendation shall be made within the period of posting. For this purpose, he shall determine their suitability to the task of conciliation by considering their integrity, impartiality, independence of mind, sense of fairness, reputation for probity and other relevant considerations;

- [3] Post said notice to constitute the Lupon immediately upon its completion in three (3) conspicuous places within the barangay for a period of not less than three (3) weeks;
- [4] Appoint not less than ten [10] nor more than twenty [20] persons from the list of names contained in the notice, as Lupon members within ten [10] days from the last day of posting, after considering endorsements of or opposition to the proposed appointees and recommendations for the appointment of other persons not included in the list. He shall likewise appoint immediately a qualified person to any vacancy that may thereafter occur in the Lupon for any cause;
- [5] Swear the appointees into office, sign their appointment papers and have them attested to by the Barangay Secretary;
- [6] Post the list of appointed Lupon members in three (3) conspicuous places in the barangay for the entire duration of their term of office; and
- [7] Withdraw the appointment of any Lupon member for justifiable cause with the concurrence of a majority of all Lupon members, as provided in Section 7 (c), Rule IV.

b. Mediation and Arbitration Functions —

- [1] Receive all written complaints and put in writing all verbal complaints made by individuals personally before him against other individuals. He shall not receive complaints made by or against corporations, partnerships or other juridical entities. Immediately upon such receipt he shall notify the complainant of the date of initial hearing and shall, within the next working day, issue summons to the respondent/s to appear before him not later than five (5) days from date thereof for a mediation of their conflicting interests;
- [2] Administer oaths in connection with any matter relating to all proceedings in the implementation of the Katarungang Pambarangay.

- [3] Resolve all objections to venue raised during the mediation proceedings before him and certify that he resolved the matter or that no such objections was made;
- [4] Mediate all disputes within his jurisdiction. Upon successful conclusion of his mediation efforts, he shall reduce to writing in a language or dialect known to the parties the terms of the settlement agreed upon by them, have them sign the same, and attest to its due execution.
- [5] Arbitrate the dispute upon written agreement of the parties to abide by the arbitration award of the Lupon Chairman. He shall within ten (10) days from date of the agreement to arbitrate, conduct hearings and evaluate the evidence presented by the parties. He shall render the award in writing in a language or dialect known to the parties not earlier than the sixth day but not later than the fifteenth day following the date of the agreement to arbitrate.

[c] Constitution of the Pangkat -

- [1] There having been no agreement to arbitrate and mediation efforts having been unsuccessful, he shall on the last day of the mediation proceedings before him immediately proceed to constitute the Pangkat in accordance with the procedure herein provided;
- [2] Should the parties fail to agree on the composition of the three-member Pangkat, he shall determine the Pangkat membership by drawing of lots from the list of Lupon members;
- [3] If the Pangkat decides to disqualify any of its members, he shall fill the resulting vacancy also by drawing of lots should the parties fail to agree on the common choice;
- [4] In case of vacancy in the Pangkat due to other causes, he shall in similar manner fill such vacancy should the parties fail to agree on a common choice; and
- [5] Set the date and time for the initial hearing of the dispute by the Pangkat, which shall not be later than three (3) days from its constitution.

[d] Other Powers and Duties -

- [1] Set the date, time and place of, and preside over, the regular monthly meetings of the Lupon;

- [2] Prepare the agenda for each meetings;
- [3] See to it that the Lupon exercises administrative supervision over the various Pangkats and performs such powers, duties and functions as may be prescribed by law or ordinance;
- [4] Where the mediation or arbitration was made by him, he shall attest the certification signed or issue by the Lupon Secretary; and
- [5] Enforce by execution, on behalf of the Lupon, the amicable settlement or arbitration award in accordance with Rule VII hereof.

SECTION 2. Secretary of the Lupon — The Barangay Secretary shall concurrently serve as the secretary of the Lupon and shall have the following duties and functions:

- [a] Keep and maintain a record book of all complaints filed with the Punong Barangay numbered consecutively in the order in which they were received and enter therein the names of the parties, date and time filed, nature of the case, and disposition;
- [b] Note the results of the mediation proceedings before the Punong Barangay and submit a final report to the proper Municipal Trial Court/Municipal Circuit Trial Court/Municipal Trial Court in Cities/Metropolitan Trial Court hereinafter referred to as the local trial court.
- [c] Record the willful failure or refusal of a witness to comply with a subpoena issued by the Punong Barangay;
- [d] Record the willful failure or refusal of a party to comply with the summons issued by the Punong Barangay and issue a certification to bar action/counterclaim, as the case may be, pursuant to Section 8, Rule VI;
- [e] Receive and keep records of proceedings submitted to him by the various Pangkats;
- [f] Transmit the settlement agreed upon by the parties to the proper local trial court not earlier than the eleventh nor later than the fifteenth day from the date of the settlement;
- [g] Transmit the arbitration award to the proper local trial court within five (5) days from the date thereof;
- [h] Issue the certification required for filing an action or proceedings in court or

any government office for adjudication. Such certification shall show that a confrontation of the parties has taken place and that a conciliation or settlement has been reached, but the same has been repudiated;

- [i] Issue a certification for barring the complainant from filing a case or the respondent from filing a counterclaim in court in case of willful failure of the complainant or respondent, respectively, to appear as provided in Sec. 8, Rule VI hereof;
- [j] Furnish copies of the settlement or arbitration award to all the parties and to the Punong Barangay; and
- [k] Issue certified true copies of any public record in his custody that is not by law otherwise declared confidential.

SECTION 3. Pangkat Chairman — The Chairman of the Pangkat shall be chosen by the majority vote of its three (3) members and shall have the following powers and duties:

- [a] Preside over all hearings conducted by the Pangkat and administer oaths in connection with any matter relating to all proceedings in the implementation of the Katarungang Pambarangay;
- [b] Issue summons for the personal appearance of parties and witnesses before the Pangkat;
- [c] Attest to the authenticity and due execution of the settlement reached by the parties before the Pangkat;
- [d] When the parties agree in writing to have the Pangkat arbitrate their dispute, preside over the arbitration hearings; and
- [e] Attest the certification issued by the Pangkat Secretary for filing an action or proceedings in court or any government office for adjudication.

SECTION 4. Secretary of the Pangkat — The Pangkat Secretary shall be chosen by the majority vote of its three [3] members from among themselves and shall perform the following duties and functions:

- [a] Issue notices of hearing before the Pangkat and cause them to be served upon the parties and their witnesses;
- [b] Keep minutes of the proceedings for conciliation and arbitration by the Pangkat and have them attested by the Pangkat Chairman;

[c] Note in the minutes the willful failure or refusal of a party to comply with the summons issued by the Pangkat Chairman;

[d] Immediately transmit to the Lupon Secretary all settlements agreed upon by the parties and arbitration awards rendered by the Pangkat;

[e] Submit copies of the aforesaid minutes to the Lupon Secretary and to the proper local trial court;

[f] Issue the certification required for filing an action or proceeding in court or any government office for adjudication. Such certification shall show that a confrontation of the parties took place but no conciliation or settlement has been reached; or that no such personal confrontation took place through no fault that can be attributed to the complainant;

[g] issue a certification for barring the complainant from filing a case, or the respondent from filing a counterclaim in court in case of willful failure of the complainant or respondent, respectively, to appear as provided in Section 8, Rule VI, hereof,

RULE IV - LUPONG TAGAPAMAYAPA

SECTION 1. Qualifications for membership— To qualify for appointment to the Lupon, a person must have his actual residence or place of work in the barangay and must possess personal characteristics that indicate his suitability for the task of conciliation of disputes. Such suitability may be indicated by his integrity, impartiality, independence of mind, sense of fairness, reputation for probity and other relevant considerations such as tact, patience, resourcefulness, flexibility and open mindedness. Further, he must not be expressly disqualified by law from holding public office.

SECTION 2. Opposition to or recommendation for appointment. — Any person may register with the Punong Barangay his opposition to the appointment of any one included in the list of intended appointees on the ground that he is not qualified or suitable for membership in the Lupon. Endorsement of any proposed appointee or recommendation of other persons not included in the list may likewise be made.

SECTION 3. Appointment of Lupon members. — After considering such opposition, endorsement or recommendation as may have been made within the period of posting the Punong Barangay shall, within ten (10) days after completion of the twenty-one (21) day period of posting of the notice to constitute the Lupon, issue the written appointments as members those whom he determines to be suitable therefor and have them attested by the barangay secretary.

SECTION 4. Term of office. — Upon appointment, each Lupon member shall take his oath of office before the Punong Barangay. Lupon members shall hold office until a new Lupon is constituted on the third year following their appointment, unless the term of any of the Lupon members is sooner terminated by resignation, transfer of residence or place of work, or withdrawal of appointment by the Punong Barangay with the concurrence of the majority of all the members of the Lupon. A Lupon member who is appointed to fill a vacancy in the Lupon shall hold office only for the unexpired portion of the term.

Incumbent Lupon members shall hold office until a new Lupon is constituted by the Punong Barangay first elected after the promulgation of these Rules.

In barangays where the Lupon has not been constituted and in newly created barangays, the Lupon shall be constituted by the incumbent Punong Barangay not later than two [2] months from the date of effectivity of these Rules or from the date of assumption to office of the Punong Barangay in the case of newly created barangays. The term of office of the members of the said Lupon shall be co-terminous with the term of office of the Punong Barangay who appointed them.

SECTION 5. Vacancy. — Immediately upon learning of the death, transfer of residence or place of work of a Lupon member, or upon acceptance of his resignation or withdrawal of his appointment, the Punong Barangay shall appoint a suitable replacement who shall serve the unexpired portion of the term of office of the replaced member.

SECTION 6. Succession to or substitution for Punong Barangay. — In the event the Punong Barangay ceases to hold office or is unable to perform his duties enumerated in Section 1 of this Rule, the said duties shall be performed by the officer succeeding the Punong Barangay pursuant to the rule on succession provided in Sections 44, 45 and 46, Chapter 2, Title II, Book of the Local Government Code of 1991.

SECTION 7. Functions. —

[a] Administrative supervision. — The Lupon shall exercise administrative supervision over the various Pangkat by seeing to it that they have the necessary supplies and forms required for discharging their duties and that they perform their functions efficiently, effectively and fairly.

[b] Regular meeting. — The Lupon shall meet regularly once a month on a date set by the Lupon Chairman, to provide a forum for the exchange of ideas on matters relevant to the amicable settlement of disputes, and to enable the various conciliation panel members to share with one another their observations and experiences in effecting speedy resolution of disputes, as well as to discuss problems relating to the amicable settlement of disputes and devise solutions thereto by harnessing the resources provided by the Sangguniang

Barangay and other local resources of the barangay.

[c] Withdrawal of appointment. — After proper notice and hearing, the Punong Barangay may, with the concurrence of a majority of all the Lupon members, withdraw the appointment of a member of the Lupon by reason of incapacity to discharge the duties of his office or unsuitability therefor.

[d] Execution of settlement or award. — The Lupon shall, through the Punong Barangay, enforce by execution the settlement or arbitration award in accordance with the provisions of Rule VII hereof.

[e] Other powers and duties. — The Lupon shall exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

SECTION 8. Character of office. — The Lupon members, while in the performance of their official duties or on occasion thereof, shall be deemed as persons in authority as defined in the Revised Penal Code.

SECTION 9. Nature of service. — The Lupon members shall serve without compensation, except as provided for in Section 393 of the Local Government Code of 1991 and without prejudice to incentives as provided for in Section 406 and in Book IV of the aforesaid Code. While in the performance of their duties, the Lupon members, whether in public or private employment, shall be deemed to be on official time, and shall not suffer from any diminution in compensation or allowance from said employment by reason thereof.

RULE V - PANGKAT NG TAGAPAGKASUNDO

SECTION 1. Constitution. — The parties to a dispute that has not been successfully settled by the Punong Barangay shall in his presence choose from among the Lupon membership three (3) persons who shall constitute the Pangkat that shall conciliate their differences.

Should the parties fail to agree on the Pangkat membership, the same shall be determined by lots drawn by the Lupon Chairman.

The three (3) regular members of the Pangkat, chosen by agreement or determined by lot, shall elect from among themselves their chairman and secretary.

SECTION 2. Vacancy. — Any vacancy in the Pangkat including the vacancy created by the disqualification of a member shall be filled by the parties to the dispute from among the other lupon members. Should the parties fail to agree on a common choice, the vacancy shall be filled by lot to be drawn by the Lupon Chairman.

SECTION 3. Function.— All disputes not successfully settled by the Punong Barangay shall as far as possible be settled by the Pangkat through conciliation or arbitration.

SECTION 4. Disqualification.— A party may move to disqualify any member of the Pangkat by reason of relationship, bias interest or other similar grounds discovered after the constitution of the Pangkat. The Pangkat shall resolve the matter by majority vote. Its decision on this matter shall be final.

SECTION 5. Nature of the service. — The Pangkat member shall serve without compensation, except as provided for in Section 393 of the Local Government Code of 1991 and without prejudice to incentives as provided for in Section 406 and in Book IV of the aforesaid Code. The Department of the Interior and Local Government shall provide for a system of granting economic or other incentives to the Pangkat members who adequately demonstrate the ability to judiciously and expeditiously resolve cases referred to them. While in the performance of their duties, the Pangkat members, whether in public or private employment, shall be deemed to be on official time, and shall not suffer from any diminution in compensation or allowance from said employment by reason thereof.

RULE VI - AMICABLE SETTLEMENT OF DISPUTES

SECTION 1. Parties. — Only individuals shall be parties to these proceedings either as complainants or respondents. No complaint by or against corporations, partnerships or other juridical entities shall be filed, received or acted upon.

SECTION 2. Subject matters for settlement. — All disputes may be the subject of proceedings for amicable settlement under these rules except the following enumerated cases:

- [a] Where one party is the government, or any subdivision or instrumentality thereof;
- [b] Where one party is a public officer or employee, and the dispute relates to the performance of his official functions;
- [c] Offenses for which the law prescribes a maximum penalty of imprisonment exceeding one (1) year or a fine exceeding Five Thousand pesos (P5,000.00);
- [d] Offenses where there is no private offended party;
- [e] Where the dispute involves real properties located in different cities or municipalities unless the parties thereto agree to submit their differences to amicable settlement by an appropriate lupon;

[f] Disputes involving parties who actually reside in barangays of different cities or municipalities, except where such barangay units adjoin each other and the parties thereto agree to submit their differences to amicable settlement by an appropriate lupon; and

[g] Such other classes of disputes which the President may determine in the interest of justice or upon the recommendation of the Secretary of Justice.

The foregoing exceptions, notwithstanding, the court in which the non-criminal cases not falling within the authority of the lupon under these Katarungang Pambarangay Law and Rules are filed may, at any time before trial, motu proprio refer the case to the lupon concerned for amicable settlement.

SECTION 3. Venue. — The place of settlement shall be subject to the following rules:

- [a] Where the parties reside in the same barangay, the dispute shall be brought for settlement in said barangay;
- [b] Where the parties reside in different barangays in the same city or municipality, the dispute shall be settled in the barangay where the respondent or any one of the respondents actually resides, at the choice of the complainant;
- [c] Dispute involving real property shall be brought for settlement in the barangay where the real property or larger portion thereof is situated;
- [d] Disputes arising at the workplace where the contending parties are employed or at the institution where such parties are enrolled for study, shall be brought in the barangay where such workplace or institution is located;
- [e] Any objection relating to venue shall be raised before the Punong Barangay during the mediation proceedings before him. Failure to do so shall be deemed a waiver of such objections; and
- [f] Any legal question, which may confront the Punong Barangay in resolving objections to venue herein referred to may be submitted to the Secretary of Justice, or his duly designated representative, whose ruling thereon shall be binding.

SECTION 4. Commencement — Proceedings for settlement shall be commenced by verbal or written complaint to the Punong Barangay on any matter not excepted under Section 2 of this Rule, in accordance with the Rules on Venue provided in the preceding section and upon payment of the filing fee in the amount of not less than Five (5) Pesos nor more than Twenty (20) Pesos. The Punong Barangay shall determine a schedule of

fees which shall not be changed during his term, taking into consideration the value of property or amount involved in the dispute, the financial capabilities of the complainant and other relevant considerations.

SECTION 5. Answer. — The respondent shall answer the complaint orally or in writing, by denying specifically the material averments of the complaint and/or alleging any lawful defense. He may also interpose a counterclaim against the complainant, a cross-claim against a co-respondent or a third-party complaint against one not yet a party to the proceedings.

SECTION 6. Personal appearance. — In all proceedings for amicable settlement, the parties must appear in person without the assistance of counsel or the intervention of anyone. Minors and incompetents, however, may be assisted by their next of kin who is not a lawyer.

SECTION 7. Hearings. —

[a] The Punong Barangay and the Pangkat shall proceed to hear the matter in dispute in an informal but orderly manner, without regard to technical rules of evidence, and as is best calculated to effect a fair settlement of the dispute and bring about a harmonious relationship of the parties.

[b] Proceedings before the Punong Barangay shall be recorded by the Lupon Secretary while those before the Pangkat shall be recorded by the Pangkat Secretary. The record shall note the date and time of hearing, appearance of parties, names of witnesses and substance of their testimonies, objections and resolutions, and such other matters as will be helpful to a full understanding of the case.

[c] All proceedings for settlement shall be open to the general public except that the Punong Barangay or the Pangkat, as the case may be, at the request of a party or upon his or its own initiative, may exclude the public in the interest of privacy, decency or public morals.

SECTION 8. Failure to appear. —

a. Sanctions

The complaint may be dismissed when complainant, after due notice, refuses or willfully fails to appear without justifiable reason on the date set for mediation, conciliation or arbitration. Such dismissal ordered by the Punong Barangay/Pangkat Chairman after giving the complainant an opportunity to explain his non-appearance shall be certified to by the Lupon or Pangkat Secretary as the case may be, and 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, ordered by the Punong Barangay/Pangkat Chairman after giving the respondent an opportunity to explain his non-appearance shall be certified to by the Lupon or Pangkat Secretary, as the case may be, and shall bar the respondent from filing such counterclaim in court or any government office for adjudication.

Further, in all cases where the respondent fails to appear at the mediation proceedings before the Punong Barangay, it is mandatory for the latter to constitute the Pangkat pursuant to Section 1(c), Rule III hereof, but the respondent's refusal or willful failure to appear without justifiable reason before the Pangkat, as determined by the latter after notice and hearing, shall 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 willful failure or refusal to appear may subject the recalcitrant party or witness to punishment as for contempt of court, upon application filed by the Lupon Chairman, Pangkat Chairman or any of the contending parties with the local trial court.

b. Procedure

1. Mediation Proceedings.

1.1 In case a party fails to appear for mediation, the Punong Barangay shall set a date for the absent party/ies to appear before him to explain the reason for his/their failure to appear at the hearing;

1.2 If the Punong Barangay finds after hearing that the failure or refusal of the complainant to appear is without justifiable reason, he shall [1] dismiss the complaint; [2] direct the issuance of and attest to the certification to bar the filing of the action in court or any government office; and [3] apply with the local trial court for punishment of the recalcitrant party as for indirect contempt of court; and

1.3 In case of similar willful failure or refusal of the respondent to appear for mediation before the Punong Barangay, the latter shall: [1] dismiss the respondent's counterclaim; [2] direct the issuance of and attest to the certification to bar the filing of respondent's counterclaim in court/government office; [3] apply with the local trial court for punishment of the re-

recalcitrant party as for indirect contempt of court; and [4] set a date for the parties to appear before him for the constitution of the Pangkat.

2. Constitution of Pangkat.

- 2.1 In case the complainant refuses or willfully fails to appear for the constitution of the Pangkat, he shall be subject to the same sanctions imposable upon the recalcitrant complainant in paragraph 1.2 hereof;
- 2.2 If the respondent similarly refuses or fails to appear for the constitution of the Pangkat, the Punong Barangay shall act as provided in items [1], [2] and [3] of paragraph 1.3 hereof, and in addition, proceed to constitute the Pangkat by drawing of lots as provided in Section 1[c] [2], Rule III hereof; and
- 2.3 The Punong Barangay shall apply, in similar manner, for the punishment of a recalcitrant witness who willfully fails or refuses to appear, as for indirect contempt of court.

3. Conciliation before the Pangkat.

- 3.1 In case a party fails to appear for conciliation, the Pangkat Chairman shall set a date for the absent party/ies to appear before him to explain the reason for his/their failure to appear at the hearing;
- 3.2 If he finds after hearing that the failure of the complainant to appear is without justifiable reason, he shall [1] dismiss the complaint; [2] direct the issuance of and attest to the certification to bar the filing of the action in court or any government office; and [3] apply with the local trial court for punishment of the recalcitrant party as for indirect contempt of court;
- 3.3 In case of similar willful failure or refusal of the respondent to appear for conciliation before the Pangkat, its Chairman, shall: [1] dismiss the respondent's counterclaim; [2] direct the issuance of and attest to the certification: [a] to bar the filing of respondent's counterclaim in court/government office; and [b] to file complainant's action in court/government office; and [3] apply with the local trial court for punishment of the recalcitrant party as for indirect contempt of court; and
- 3.4 The Pangkat Chairman shall apply, in similar manner, for the punishment of a witness who willfully fails or refuses to appear as for indirect contempt of court.

SECTION 9. Agreement for arbitration. — The parties may, at any stage of the proceedings, agree in writing to have the matter in dispute decided by arbitration by either the Punong Barangay or the Pangkat. In such a case, arbitral hearings shall follow the formal order of adjudicative trials.

The agreement for arbitration may be repudiated in accordance with the procedure provided in Section 12 of this Rule.

SECTION 10. Time limits. -

- [a] The Punong Barangay shall exert all efforts to conciliate the parties within fifteen [15] days from their initial confrontation before him. Failing in this effort, he shall set a date for the constitution of the Pangkat in accordance with Rule V hereof.
- [b] The Pangkat shall convene to conciliate the parties on the date, time and place set by the Punong Barangay but not later than three (3) days from its constitution. The Pangkat shall exert all efforts to conciliate the parties within fifteen [15] days from their initial confrontations, which may be extended in its discretion for another period not to exceed fifteen [15] more days, except in clearly meritorious cases.
- [c] Where the parties have agreed to arbitrate, the Punong Barangay or the Pangkat, as the case may be, shall after hearing make the award not earlier than the sixth day but not later than the fifteenth day following the date of such agreement.

SECTION 11. Suspension of prescriptive period of offenses and cause of action. — The prescriptive periods of offenses and cause of action under existing laws shall be interrupted upon filing of the complaint with the Punong Barangay. The running of the prescriptive periods shall resume upon receipt of the complainant of the certificate of repudiation or of the certification to file action issued by the Lupon or Pangkat Secretary: Provided, however, that such interruption shall not exceed sixty (60) days from the filing of the complaint with the Punong Barangay. After the expiration of the aforesaid period of sixty days, the filing of the case in court or government office for adjudication shall be subject to the provision of paragraph [b] [4] of Rule VIII of these Rules.

SECTION 12. Repudiation of agreement for arbitration. — Any aggrieved party to an agreement for arbitration may, within five [5] days from date thereof, repudiate the same by filing with the Punong Barangay or the Pangkat Chairman, as the case may be, a statement sworn to before either of them repudiating the agreement on the ground that his consent thereto was obtained and vitiated by fraud, violence or intimidation.

Failure to repudiate the arbitration agreement within the aforesaid time limit shall be deemed a waiver of the right to challenge on said grounds.

SECTION 13. Form of Settlement and award. — All settlements, whether by mediation, conciliation or arbitration, shall be in writing, in a language or dialect known to the parties. Settlements by mediation or conciliation shall be signed by the parties and attested by the Punong Barangay or Pangkat Chairman, as the case may be, that such settlement was agreed upon by the parties freely and voluntarily, after a full understanding of its terms and an intelligent awareness of the legal consequences thereof.

The arbitration award shall be signed by the Punong Barangay or all the members of the Pangkat, as the case may be.

SECTION 14. Repudiation of settlement: — Any party to the dispute may, within ten [10] days from the date of the settlement, repudiate the same by filing with the Punong Barangay a statement to that effect sworn to before him, where the consent is vitiated by fraud, violence, or intimidation. Such repudiation shall be sufficient basis for the issuance of the certification for filing a complaint in court or any government office for adjudication.

Failure to repudiate the settlement within the aforesaid time limit shall be deemed a waiver of the right to challenge on said grounds.

SECTION 15. Effect of settlement by arbitration or conciliation. — 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 from date of the settlement or date of receipt of the award, unless repudiation of the settlement has been made or a petition for nullification of the award has been filed before the local trial court.

However, this provision shall not apply to court cases referred to the lupon under the last paragraph of Section 2 of this Rule, in which case the compromise settlement agreed upon by the parties before the Lupon Chairman or the Pangkat Chairman shall be submitted to the court and upon approval thereof, have the force and effect of a judgment of said court.

SECTION 16. Transmittal of settlement and award to court. — Immediately upon signing, the Punong Barangay or the Pangkat Chairman, as the case may be, shall furnish copies of the settlement or award to the parties and send such settlement or award to the Lupon Secretary who shall transmit the same to the local city or municipal court within five [5] days from date of the award or, in the case of settlement, not earlier than the eleventh nor later than the fifteenth day from date of settlement. The amicable settlement reached in a case referred by the court to the Lupon pursuant to Section 2 of this Rule

shall be transmitted to the said court within the same period provided in this Section for the transmittal of settlement to the local trial court.

RULE VII - EXECUTION OF SETTLEMENT OR AWARD

SECTION 1. Execution of Settlement or Award. — Execution shall issue only upon the expiration of ten [10] days from date of settlement or receipt of award unless repudiation of the settlement has been made or a petition to nullify the award has been filed prior to the expiration of the said period.

SECTION 2. Modes of Execution — The amicable settlement or arbitration award may be enforced by execution by the Lupon within six [6] months from date of the settlement or date of receipt of the award or from the date the obligation stipulated in the settlement or adjudged in the arbitration award becomes due and demandable. After the lapse of such time, the settlement or award may be enforced by the appropriate local trial court pursuant to the applicable provisions of the Rules of Court. An amicable settlement reached in a case referred by the Court having jurisdiction over the case to the Lupon shall be enforced by execution by the said court.

SECTION 3. Motion for Execution. — The disputant/s may file a motion with the Punong Barangay, copy furnished to the other disputant/s, for the execution of a final settlement or award which has not been complied with.

SECTION 4. Hearing. — On the day the motion for execution is filed, the Punong Barangay shall set the same for hearing on a date agreed to by the movant, which shall not be later than five [5] days from the date of the filing of the motion. The Punong Barangay shall give immediate notice of hearing to the other party.

During the hearing, the Punong Barangay shall ascertain the fact of non-compliance with the terms of the settlement or award. Upon such determination of non-compliance, the Punong Barangay shall strongly urge the party obliged to voluntarily comply with the settlement or award.

SECTION 5. Issuance, form and contents of the notice of the execution. — The Punong Barangay shall within five [5] days from the day of hearing, determine whether or not voluntary compliance can be secured. Upon the lapse of said five-day period, there being no voluntary compliance, he shall issue a notice of execution in the name of the Lupon Tagapamayapa. The said notice must intelligently refer to the settlement or award and the amount actually due thereunder if it be for money, or the terms thereof which be must be complied with.

SECTION 6. Procedure for execution:

- a. If the execution be for the payment of money, the party obliged is allowed a period of five [5] days to make a voluntary payment, failing which, the Punong Barangay shall take possession of sufficient personal property located in the barangay, of the party obliged to satisfy the settlement or award from the proceeds of the sale thereof with legal interest such sale to be conducted in accordance with the procedure herein provided. If sufficient personal property exists, the party obliged is allowed to point out which of them shall be taken possession of ahead of the others. If personal property is not sufficient to satisfy the settlement or award, the deficiency shall be satisfied in accordance with the applicable provisions of the Rules of Court.
- b. If it be for the delivery or restitution of property located in the barangay, the Punong Barangay shall oust therefrom the person against whom the settlement or award is rendered and place the party entitled thereto in possession of such property.
- c. If it be for the delivery or restitution of property located in another barangay of the same city or municipality, the Punong Barangay issuing the notice shall authorize the Punong Barangay of the barangay where the property is situated to take possession of the property and to act in accordance with paragraph [b] hereof.
- d. If a settlement or award directs a party to execute a conveyance of land, or to deliver deeds or other documents, or to perform any other specific act, and the party fails to comply within the time specified, the Punong Barngay may direct the Lupon Secretary to perform the act at the cost of the disobedient party and the act when so done shall like effects as if done by the party.

SECTION 7. Property exempt from execution. — Except as otherwise expressly provided by law, the following property, and no other shall be exempt from execution:

- [a] The debtor's family home constituted in accordance with the Family Code;
- [b] Tools and implements necessarily used by him in his trade or employment;
- [c] Two horses, or two cows, or two carabaos, or other beasts of burden, such as the debtor may select, and necessarily used by him in his ordinary occupation;
- [d] His necessary clothing, and that of all his family;
- [e] Household furniture and utensils necessary for housekeeping, and used for that purpose by the debtor;

- [f] Provisions for individual or family use sufficient for four (4) months;
- [g] The professional libraries of attorneys, judges, physicians, pharmacists, dentists, engineers, surveyors, clergymen, teachers and other professionals;
- [h] One fishing boat, net, and other fishing paraphernalia of the party obliged who is a fisherman, by the lawful use of which he earns a livelihood;
- [i] So much of the earnings of the party obliged for his personal services within the month preceding the levy as are necessary for the support of his family;
- [j] Lettered gravestones;
- [k] All moneys, benefits, privileges, or annuities accruing or in any manner growing out of any life insurance, provided the proceeds therefrom shall not exceed one hundred thousand pesos (P100,000.00);
- [l] The right to receive legal support, or money or property obtained as such support, or any pension or gratuity from the government; and
- [m] Copyrights and other properties especially exempted by law

But no article or species of property mentioned in this section shall be exempt from execution issued upon a settlement or award for its price or for a mortgage thereon.

SECTION 8. Payment before sale. — At any time before the sale of property on execution, the party obliged may prevent the sale by paying the amount required by the order of execution.

SECTION 9. Procedure for sale of personal property on execution.

- [a] Notice of sale. — Before the sale of property on execution under Section 6 (a) herein above, notice thereof must be given as follows:
 - [1] In case of perishable property, by posting immediately upon taking possession thereof of a written notice of the time and place of the sale in three (3) public places in the barangay where the sale is to take place, for not less than twenty-four (24) hours prior to the sale; and
 - [2] In case of other personal property, by posting immediately upon taking possession thereof a similar notice in three (3) public places in the barangay, where the sale is to take place, for not less than five (5) nor more than ten (10) days.

[b] Manner of sale. — All sales of personal property under execution must be made at public auction, to the highest bidder, between the hours of eight in the morning and five in the afternoon at the place indicated in the notice. After sufficient property has been sold to satisfy the execution, no more shall be sold. The personal property must be sold within view of those attending the sale. The party obliged if present at the sale, may direct the order in which personal property shall be sold. Neither the Punong Barangay nor the Lupon Secretary nor any of the members of the Lupon concerned can become a purchaser, or be interested directly or indirectly in such sale.

[c] Disposition of proceeds of the sale. — The Punong Barangay shall pay to the prevailing party so much of the proceeds of the sale as will satisfy the settlement or award. Any excess in the proceeds over the settlement or award must be delivered to the party obliged.

When the prevailing party is the purchaser, he shall pay to the party obliged only such amount as exceeds the amount of the settlement/award.

SECTION 10. Conveyance to purchaser of personal property. — When the purchaser of any personal property, capable of manual delivery, pays the purchaser money, the Punong Barangay making the sale must deliver the property to the purchaser and, if desired, execute and deliver to him a certificate of sale. The sale conveys to the purchaser all the right which the party obliged had in such property on the day the execution was levied.

SECTION 11. Entry of satisfaction of settlement or award by barangay secretary or Punong Barangay. — The satisfaction of a settlement or award shall be entered by the Punong Barangay or Barangay Secretary, in his record upon the return by the Punong Barangay of an execution satisfied, or upon the filing of an admission of satisfaction of the settlement or award.

SECTION 12. Other cases of execution. — In all other cases not herein provided for, the applicable provisions of the Rules of Court shall apply.

RULE VIII - PRE-CONDITION FOR FORMAL ADJUDICATION

Conciliation, pre-condition for filing of complaint in court or government office.

[a] No individual may go directly to court or to any government office for adjudication of his dispute with another individual upon any matter falling within the authority of the Punong Barangay or Pangkat ng Tagapagkasundo to settle under these Rules, unless, after personal confrontation of the parties

before them earnest efforts to conciliate have failed to result in a settlement or such settlement has been effectively repudiated.

[b] Notwithstanding the foregoing rule, however, a complainant may institute proceedings directly in court or with the proper government office, in the following enumerated cases where urgent legal action is necessary to prevent injustice from being committed or further continued:

[1] In a criminal case where the accused was arrested without warrant and is under police custody or detention, the criminal complaint or information may directly be filed by the offended party, police or fiscal with the proper court;

[2] A person illegally deprived of his rightful custody over another or a person illegally deprived of his liberty or one acting in his behalf may directly file a petition for habeas corpus with the proper court to regain custody or secure the release of such person;

[3] Actions coupled with provisional remedies such as preliminary injunction, attachment, delivery of personal property and support during the pendency of the action; and

[4] Where the action may otherwise no longer be filed in court because it may be barred by the Statute of Limitations.

RULE IX – INDIGENOUS CULTURAL COMMUNITIES

SECTION 1. Local system of dispute settlement. — In barangays where majority of the inhabitants are members of indigenous cultural communities as determined by the Provincial Office of the National Statistics Office, such community or communities shall register with the office of the city/ municipal mayor, the name/names of their recognized datus, tribal leaders, elders or similar leaders. The indigenous system of settling disputes as certified to by their respective councils of datus, tribal leaders, or elders or other similar leaders shall be recognized without prejudice to the applicable provisions of the Katarungang Pambarangay.

Disputes between members of the same indigenous cultural community shall be settled in accordance with the customs and traditions of that particular cultural community as provided in the immediately preceding paragraph. Where one or more of the parties to the aforesaid dispute belong to the minority, submission to the indigenous system of amicable settlement shall be mutually agreed upon by all the parties. In the absence of such agreement, the settlement procedures provided in these Rules shall apply.

SECTION 2. Attestation of successful settlement. — Where a dispute falling within the

authority of the Lupon is successfully settled through the local indigenous system, the council of datu, tribal leaders or elders shall attest to the settlement and transmit the attested copy to the Punong Barangay of the place where the dispute should have been settled pursuant to Section 3, Rule VI hereof.

SECTION 3. Effect of attested settlement. — The said attested settlement, shall have the same force and effect as a settlement arrived at through the procedures herein provided upon the expiration of ten [10] days from the date the attested copy of the settlement is received by the Punong Barangay.

A party may repudiate the said settlement within the same period, on the same grounds and in accordance with the procedures provided in Section 14, Rule VI hereof.

SECTION 4. Failure of settlement. — Where the parties fail to amicably settle their dispute through the local indigenous system, the datu or tribal leader or elder concerned shall issue a certification that settlement has failed and transmit the same to the Punong Barangay of the place of settlement determined in accordance with Section 3, Rule VI hereof.

The parties may mutually agree to submit themselves to the mediation and conciliation or arbitration procedures herein provided.

SECTION 5. Certificate to file action. — Where there has been no settlement in accordance with the immediately preceding section, and upon request by the proper party, the Punong Barangay to whom the certificate of non-settlement is transmitted shall issue a certificate to file action in court/government office on the ground of failure of settlement.

SECTION 6. Records. — The Barangay Secretary shall keep a file of the attested settlements and the certificates of non-settlement transmitted to the Punong Barangay and transmit a copy of each of said settlements and certificates of non-settlement to the proper local trial court.

RULE X- MISCELLANEOUS PROVISIONS

SECTION 1. Legal advice on matters involving questions of law. — The provincial, city legal officer or prosecutor or the municipal legal officer shall render legal advice on matters involving questions of law to the Punong Barangay or any Lupon or Pangkat member whenever necessary in the exercise of his functions in the administration of the Katarungang Pambarangay.

SECTION 2. Review - The Punong Barangay or any Lupon or Pangkat member may seek a review by the Secretary of Justice of any legal advice rendered by the provincial or

city prosecutor in accordance with Section 1 hereof. Any legal advice rendered by any of the officers mentioned in said section concerning the implementation of any of the provisions of these Rules may be elevated to the Secretary of Justice for review.

SECTION 3. Rules and regulations. — The Secretary of Justice shall promulgate such additional or amendatory rules and regulations implementing the Katarungang Pambarangay Law, as need therefor arises.

SECTION 4. Administration of the Katarungang Pambarangay system. — The city or municipal mayor, as the case may be, shall see to the efficient and effective implementation and administration of the Katarungang Pambarangay. He shall insure the non-political and non-partisan character of such implementation and administration.

SECTION 5. Appropriations. — Such amount as may be necessary for the effective implementation of the Katarungang Pambarangay including the provision for honorarium for Pangkat members shall be provided for in the annual budget of the city or municipality concerned. For this purpose, the city or municipal mayor shall include the aforesaid amount in the executive budget which he shall submit to the sanggunian panglungsod or sangguniang bayan, as the case may be.

SECTION 6. Incentives. — The Department of Interior and Local Government shall provide for a system of granting economic or other incentives to the Lupon or Pangkat members who adequately demonstrate the ability to judiciously and expeditiously resolve cases referred to them.

SECTION 7. Effectivity. — These Rules shall take effect immediately after publication in a newspaper of general circulation or in the Official Gazette.

Republic of the Philippines
Province of _____
City/Municipality of _____
Barangay _____

OFFICE OF THE PUNONG BARANGAY

_____, 19 ____
(Date)

NOTICE TO CONSTITUTE THE LUPON

To All Barangay Members and All Other Persons Concerned:

In compliance with Section 1(a), Chapter 7, Title One, Book III, Local Government Code of 1991 (Republic Act No. 7160), of the *Katarungang Pambarangay Law*, notice is hereby given to constitute the *Lupong Tagapamayapa* of this Barangay. The persons I am considering for appointment are the following:

- | | |
|-----------|-----------|
| 1. _____ | 13. _____ |
| 2. _____ | 14. _____ |
| 3. _____ | 15. _____ |
| 4. _____ | 16. _____ |
| 5. _____ | 17. _____ |
| 6. _____ | 18. _____ |
| 7. _____ | 19. _____ |
| 8. _____ | 20. _____ |
| 9. _____ | 21. _____ |
| 10. _____ | 22. _____ |
| 11. _____ | 23. _____ |
| 12. _____ | 24. _____ |
| 25. _____ | |

They have been chosen on the basis of their suitability for the task of conciliation considering their integrity, impartiality, independence of mind, sense of fairness and reputation for probity in view of their age, social standing in the community, tact, patience, resourcefulness, flexibility, open mindedness and other relevant factors. The law provides that only those actually residing or working in the barangay who are not

expressly disqualified by law are qualified to be appointed as *Lupon* members.

All persons are hereby enjoined to immediately inform me of their opposition to or endorsement of any or all the proposed members or recommend to me other persons not included in the list but not later than the _____ day of _____, 19____ (the last day for posting this notice).

Punong Barangay

IMPORTANT: This notice is required to be posted in three (3) conspicuous places in the barangay for at least three (3) weeks.

WARNING: Tearing or defacing this notice shall be subject to punishment according to law.

Republic of the Philippines
Province of _____
City/Municipality of _____
Barangay _____

OFFICE OF THE PUNONG BARANGAY

_____, 19 ____
(Date)

APPOINTMENT

TO: _____

Pursuant to Chapter 7, Title One, Book III, Local Government Code of 1991 (Republic Act No. 7160), you are hereby appointed MEMBER of the *Lupong Tagapamayapa* of this Barangay effective upon taking your oath of office and until a new *Lupon* is constituted on the third year following your appointment.

ATTESTED:

Punong Barangay

Barangay Secretary

Republic of the Philippines
Province of _____
CITY/MUNICIPALITY OF _____
Barangay _____

OFFICE OF THE PUNONG BARANGAY

_____, 19_____
(Date)

NOTICE OF APPOINTMENT

Sir/Madam:

Please be informed that you have been appointed by the Punong Barangay as a MEMBER OF THE LUPONG TAGAPAMAYAPA, effective upon taking your oath of office, and until a new Lupon is constituted on the third year following your appointment. You may take your oath of office before the Punong Barangay on _____.

Very truly yours,

Barangay Secretary

Republic of the Philippines
Province of _____
CITY/MUNICIPALITY OF _____
Barangay _____

OFFICE OF THE PUNONG BARANGAY

_____, 19_____
(Date)

LIST OF APPOINTED LUPON MEMBERS

Listed hereunder are the duly appointed members of the *Lupong Tagamayapa* in this Barangay who shall serve as such upon taking their oath of office and until a new Lupon is constituted on the third year following their appointment.

- | | |
|-----------|-----------|
| 1. _____ | 11. _____ |
| 2. _____ | 12. _____ |
| 3. _____ | 13. _____ |
| 4. _____ | 14. _____ |
| 5. _____ | 15. _____ |
| 6. _____ | 16. _____ |
| 7. _____ | 17. _____ |
| 8. _____ | 18. _____ |
| 9. _____ | 19. _____ |
| 10. _____ | 20. _____ |

Punong Barangay

Attested:

Barangay/Lupon Secretary

IMPORTANT: This list shall be posted in three (3) conspicuous places in the barangay for the duration of the terms of office of those named above.

WARNING: Tearing or defacing this notice shall be subject to punishment according to law.

Republic of the Philippines
Province of _____
CITY/MUNICIPALITY OF _____
Barangay _____

OFFICE OF THE PUNONG BARANGAY

OATH OF OFFICE

Pursuant to Chapter 7, Title One, Book II, Local Government Code of 1991 (Republic Act No. 7160), I _____, being duly qualified and having been duly appointed MEMBER of the *Lupong Tagapamayapa* of this Barangay, do hereby solemnly swear (or affirm) that I will faithfully and conscientiously discharge to the best of my ability my duties and functions as such member and as member of the *Pangkat ng Tagapagkasundo* in which I may be chosen to serve; that I will bear true faith and allegiance to the Republic of the Philippines; that I will support and defend its Constitution and obey the laws, legal orders and decrees promulgated by its duly constituted authorities; and that I voluntarily impose upon myself this obligation without any mental reservation or purpose of evasion.

SO HELP ME GOD. (In case of affirmation the last sentence will be omitted.)

(Member)

SUBSCRIBED AND SWORN to (or AFFIRMED) before me this _____ day of _____, 19____.

Punong Barangay

Republic of the Philippines
Province of _____
CITY/MUNICIPALITY OF _____
Barangay _____

OFFICE OF THE LUPONG TAGAPAMAYAPA

_____, 19____
(Date)

WITHDRAWAL OF APPOINTMENT

TO: _____

After due hearing and with the concurrence of a majority of all the *Lupong Tagapamayapa* members of this Barangay, your appointment as member thereof is hereby withdrawn effective upon receipt hereof, on the following ground/s:

- incapacity to discharge the duties of your office as shown by _____
- unsuitability by reason of _____
(Check whichever is applicable and detail or specify the act/s or omission/s constituting the ground/s for withdrawal.)

CONFORME (Signatures):

Punong Barangay/Lupon Chairman

- | | |
|----------|-----------|
| 1. _____ | 7. _____ |
| 2. _____ | 8. _____ |
| 3. _____ | 9. _____ |
| 4. _____ | 10. _____ |
| 5. _____ | 11. _____ |
| 6. _____ | |

Received this _____ day of _____, 19____.

(Signature)

NOTE:

The members of the *Lupon* conforming to the withdrawal must personally affix their signatures or thumb marks on the pertinent spaces above. The withdrawal must be conformed to by more than one-half of the total number of members of the *Lupon* including the Punong Barangay and the member concerned.

Republic of the Philippines
Province of _____
CITY/MUNICIPALITY OF _____
Barangay _____

OFFICE OF THE LUPONG TAGAPAMAYAPA

_____ Barangay Case No. _____
_____ For: _____
Complainant/s _____
— against — _____
_____ Respondent/s _____

COMPLAINT

I/WE hereby complain against above named respondent/s for violating my/our rights and interests in the following manner:

THEREFORE, I/WE pray that the following relief/s be granted to me/us in accordance with law and/or equity:

Made this _____ day of _____, 19____.

Received and filed this _____ day of _____, 19____.

Punong Barangay/Lupon Chairman

Republic of the Philippines
Province of _____
CITY/MUNICIPALITY OF _____
Barangay _____

OFFICE OF THE LUPONG TAGAPAMAYAPA

NOTICE OF HEARING
(MEDIATION PROCEEDINGS)

TO: _____
Complainant/s

You are hereby required to appear before me on the _____ day of _____, 19____ at _____ o'clock in the morning/afternoon for the hearing of your complaint.

This _____ day of _____, 19____.

Punong, Barangay/Lupon Chairman

Notified this _____ day of _____, 19____.

complainant/s

Republic of the Philippines
Province of _____
CITY/MUNICIPALITY OF _____
Barangay _____

OFFICE OF THE LUPONG TAGAPAMAYAPA

_____ Barangay Case No. _____
_____ For: _____
Complainant/s _____
— against — _____
_____ Respondent/s _____

S U M M O N S

TO: _____
_____ Respondents

You are hereby summoned to appear before me *in person*, together with your witnesses, on the _____ day of _____, 19____ at _____ o'clock in the morning/afternoon, then and there to answer to a complaint made before me, copy of which is attached hereto, for mediation/conciliation of your dispute with complainant/s.

You are hereby warned that if you refuse or willfully fail to appear in obedience to this summons, you may be barred from filing any counterclaim arising from said complaint.

FAIL NOT or else face punishment as for contempt of court.

This _____ day of _____, 19____.

Punong-Barangay/Pangkat Chairman

OFFICER'S RETURN

I served this summons upon respondent _____ on the _____ day of _____, 19____, and upon respondent _____ on the _____ day of _____, 19____, by: _____
(Write name/s of respondent/s before mode by which he/they was/were served.)

- | | |
|--------------|--|
| Respondent/s | |
| _____ | 1. handing to him/them said summons in person, or |
| _____ | 2. handing to him/them said summons and he/they refused to receive it, or |
| _____ | 3. leaving said summons at his/their dwelling with _____
(name)
a person of suitable age and discretion residing therein, or |
| _____ | 4. leaving said summons at his/their office/place of business with _____
(name)
a competent person in charge thereof. |

Officer

Received by Respondent/s/representative/s:

_____	_____
(Signature)	(Date)
_____	_____
(Signature)	(Date)

Republic of the Philippines
Province of _____
CITY/MUNICIPALITY OF _____
Barangay _____

OFFICE OF THE PUNONG BARANGAY

NOTICE FOR CONSTITUTION OF PANGKAT

TO: _____
Complainant/s
_____ Respondent/s

You are hereby required to appear before me on the ____ day of _____, 19____, at _____ o'clock in the morning/afternoon for the constitution of the Pangkat ng Tagapagkasundo which shall conciliate your dispute. Should you fail to agree on the Pangkat membership or to appear on the aforesaid date for the constitution of the Pangkat, I shall determine the membership thereof by drawing lots.

This ____ day of _____, 19____.

Punong Barangay

Notified this ____ day of _____, 19____.

TO: _____
Complainant/s
_____ Respondent/s

Republic of the Philippines
Province of _____
CITY/MUNICIPALITY OF _____
Barangay _____

OFFICE OF THE LUPONG TAGAPAMAYAPA

Barangay Case No. _____
For: _____
Complainant/s
_____ against _____

NOTICE TO CHOSEN PANGKAT MEMBER

_____, 19____
(Date)

TO: _____

Notice is hereby given that you have been chosen member of the *Pangkat ng Tagapagkasundo* amicably conciliate the dispute between the *par* in the above-entitled case.

Punong Barangay/Lupon Secretary

Received this ____ day of _____, 19____.

Pangkat Member

Republic of the Philippines
Province of _____
CITY/MUNICIPALITY OF _____
Barangay _____

OFFICE OF THE LUPONG TAGAPAMAYAPA

TO: _____
_____ Complainant/s _____ Respondent/s _____

NOTICE OF HEARING
(CONCILIATION PROCEEDINGS)

You are hereby required to appear before the Pangkat on the ____ day of _____, 19____, at _____ o'clock for a hearing of the above-entitled case.

This ____ day of _____, 19____.

Pangkat Chairman

Notified this ____ day of _____, 19____.

Complainant/s

Respondent/s

Republic of the Philippines
Province of _____
CITY/MUNICIPALITY OF _____
Barangay _____

OFFICE OF THE LUPONG TAGAPAMAYAPA

_____ Barangay Case No. _____
For: _____
Complainant/s _____
— against — _____

Respondent/s

SUBPOENA

TO: _____
_____ Witnesses _____

You are hereby commanded to appear before me on the ____ day of _____, 19____, at _____ o'clock, then and there to testify in the hearing of the above-captioned case.

This ____ day of _____, 19____.

Punong Barangay/Pangkat Chairman
(Cross out whichever one is not applicable).

Republic of the Philippines
Province of _____
CITY/MUNICIPALITY OF _____
Barangay _____

OFFICE OF THE LUPONG TAGAPAMAYAPA

_____ Barangay Case No. _____
_____ For: _____
Complainant/s _____
— against — _____
_____ Respondent/s _____

AGREEMENT FOR ARBITRATION

We hereby agree to submit our dispute for arbitration to the Punong Barangay/
Pangkat ng Tagapagkasundo (Please cross out whichever is not applicable) and bind
ourselves to comply with the award that may be rendered thereon. We have made this
agreement freely with a full understanding of its nature and consequences.

Entered into this ____ day of _____, 19____.

Complainant/s _____ Respondent/s _____

ATTESTATION

I hereby certify that the foregoing Agreement for Arbitration was entered into by
the parties freely and voluntarily, after I had explained to them the nature and conse-
quences of such agreement.

Punong Barangay/Pangkat Chairman
(Cross out whichever is not applicable)

Republic of the Philippines
Province of _____
CITY/MUNICIPALITY OF _____
Barangay _____

OFFICE OF THE LUPONG TAGAPAMAYAPA

_____ Barangay Case No. _____
_____ For: _____
Complainant/s _____
— against — _____
_____ Respondent/s _____

ARBITRATION AWARD

After hearing the testimonies given and careful examination of the evidence pre-
sented in this case, award is hereby made as follows:

Made this ____ day of _____, 19____ at _____.

Punong Barangay/Pangkat Chairman *

Member

Member

ATTESTED:

Punong Barangay/Lupon Secretary**

- * To be signed by either, whoever made the arbitration award.
- ** To be signed by the Punong Barangay if the award is made by the Pangkat
Chairman, and by the Lupon Secretary if the award is made by the Punong
Barangay.

Republic of the Philippines
Province of _____
CITY/MUNICIPALITY OF _____
Barangay _____

OFFICE OF THE LUPONG TAGAPAMAYAPA

Barangay Case No. _____
For: _____
Complainant/s _____
— against — _____
Respondent/s _____

AMICABLE SETTLEMENT

We, complainant/s and respondent/s in the above-captioned case, do hereby agree to settle our dispute as follows:

and bind ourselves to comply honestly and faithfully with the above terms of settlement.

Entered into this _____ day of _____, 19_____.

Complainant/s _____ Respondent/s _____

ATTESTATION

I hereby certify that the foregoing amicable settlement was entered into by the parties freely and voluntarily, after I had explained to them the nature and consequence of such settlement.

Punong Barangay/Pangkat Chairman

Republic of the Philippines
Province of _____
CITY/MUNICIPALITY OF _____
Barangay _____

OFFICE OF THE LUPONG TAGAPAMAYAPA

Barangay Case No: _____
For: _____
Complainant/s _____
— against — _____
Respondent/s _____

REPUDIATION

I/WE hereby repudiate the settlement/agreement for arbitration on the ground that my/our consent was vitiated by:

(Check out whichever is applicable)

- Fraud. (State details) _____
- Violence. (State details) _____
- Intimidation. (State details) _____

This _____ day of _____, 19_____.

Complainant/s _____ Respondent/s _____

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 19____ at _____.

Punong Barangay/Pangkat Chairman/Member

Received and filed* this _____ day of _____, 19____.

Punong Barangay

*Failure to repudiate the settlement or the arbitration agreement within the time limits respectively set (ten [10] days from date of settlement and five [5] days from date of arbitration agreement) shall be deemed a waiver of the right to challenge on said grounds..

KP Form No. 18

Republic of the Philippines
Province of _____
CITY/MUNICIPALITY OF _____
Barangay _____

OFFICE OF THE LUPONG TAGAPAMAYAPA

Complainant/s
— against —

Respondent/s

Barangay Case No. _____
For: _____

**NOTICE OF HEARING
(RE: FAILURE TO APPEAR)**

TO: _____

Complainant/s

You are hereby required to appear before me/the Pangkat on the _____ day of _____, 19____, at _____ o'clock in the morning/afternoon to explain why you failed to appear for mediation/conciliation scheduled on _____.

19____ and why your complaint should not be dismissed, a certificate to bar the filing of your action in court/government office should not be issued, and contempt proceedings should not be initiated in court for willful failure or refusal to appear before the Punong Barangay/Pangkat ng Tagapagkasundo.

This _____ day of _____, 19____.

Punong Barangay/Pangkat Chairman
(Cross out whichever is not applicable)

Notified this _____ day of _____, 19____.

Complainant/s:

Respondent/s:

Republic of the Philippines
Province of _____
CITY/MUNICIPALITY OF _____
Barangay _____

OFFICE OF THE LUPONG TAGAPAMAYAPA

_____ Barangay Case No. _____
For: _____
Complainant/s _____
— against — _____
Respondent/s _____

NOTICE OF HEARING
(RE: FAILURE TO APPEAR)

TO: _____
Respondent/s

You are hereby required to appear before me/the Pangkat on the ____ day of _____, 19____, at _____ o'clock in the morning/afternoon to explain why you failed to appear for mediation/conciliation scheduled on _____, 19____ and why your counterclaim (if any) arising from the complaint should not be dismissed, a certificate to bar the filing of said counterclaim in court/government office should not be issued, and contempt proceedings should not be initiated in court for willful failure or refusal to appear before the Punong Barangay/Pangkat ng Tagapagkasundo.

This ____ day of _____, 19____.

Punong Barangay/Pangkat Chairman
(Cross out whichever is not applicable)

Notified this ____ day of _____, 19____.

Respondent/s: _____ Complainant/s: _____

Republic of the Philippines
Province of _____
CITY/MUNICIPALITY OF _____
Barangay _____

OFFICE OF THE LUPONG TAGAPAMAYAPA

_____ Barangay Case No. _____
For: _____
Complainant/s _____
— against — _____
Respondent/s _____

CERTIFICATION TO FILE ACTION

This is to certify that:

1. There has been a personal confrontation between the parties before the Punong Barangay/Pangkat ng Tagapagkasundo;
2. A settlement was reached;
3. The settlement has been repudiated in a statement sworn to before the Punong Barangay by _____ on ground of _____; and
4. Therefore, the corresponding complaint for the dispute may now be filed in court/government office.

This ____ day of _____, 19____.

Lupon Secretary

Attested:

Lupon Chairman

Republic of the Philippines
Province of _____
CITY/MUNICIPALITY OF _____
Barangay _____

OFFICE OF THE LUPONG TAGAPAMAYAPA

Barangay Case No. _____
For: _____
Complainant/s _____
— against — _____
Respondent/s _____

CERTIFICATION TO FILE ACTION

This is to certify that:

1. There has been a personal confrontation between the parties before the Punong Barangay but mediation failed;
2. The Pangkat ng Tagapagkasundo was constituted but the personal confrontation before the Pangkat likewise did not result into a settlement; and
3. Therefore, the corresponding complaint for the dispute may now be filed in court/government office.

This ___ day of _____, 19__.

Pangkat Secretary

Attested by:

Pangkat Chairman

Republic of the Philippines
Province of _____
CITY/MUNICIPALITY OF _____
Barangay _____

OFFICE OF THE LUPONG TAGAPAMAYAPA

Barangay Case No. _____
For: _____
Complainant/s _____
— against — _____
Respondent/s _____

CERTIFICATION TO FILE ACTION

This is to certify that:

1. There was a personal confrontation between the parties before the Punong Barangay but mediation failed;
2. The Punong Barangay set the meeting of the parties for the constitution of the Pangkat;
3. The respondent willfully failed or refused to appear without justifiable reason at the conciliation proceedings before the Pangkat; and
4. Therefore, the corresponding complaint for the dispute may now be filed in court/government office.

Pangkat Secretary

Attested by:

Pangkat Chairman

Republic of the Philippines
Province of _____
CITY/MUNICIPALITY OF _____
Barangay _____

OFFICE OF THE LUPONG TAGAPAMAYAPA

_____ Barangay Case No. _____
_____ For: _____
Complainant/s _____
— against — _____
_____ Respondent/s _____

CERTIFICATION TO BAR ACTION

This is to certify that the above-captioned case was dismissed pursuant to the Order dated _____, for complainant/s _____ (name) and _____ (name) willful failure or refusal to appear for hearing before the Punong Barangay/Pangkat ng Tagapagkasundo and therefore complainant/s is/are barred from filing an action in court/government office.

This _____ day of _____, 19____.

Lupon Secretary/Pangkat Secretary

Attested:

Lupon Chairman/Pangkat Chairman

IMPORTANT: If Lupon Secretary makes the certification, the Lupon Chairman attests.
If the Pangkat Secretary makes the certification, the Pangkat Chairman attests.

Republic of the Philippines
Province of _____
CITY/MUNICIPALITY OF _____
Barangay _____

OFFICE OF THE LUPONG TAGAPAMAYAPA

_____ Barangay Case No. _____
_____ For: _____
Complainant/s _____
— against — _____
_____ Respondent/s _____

CERTIFICATION TO BAR COUNTERCLAIM

This is to certify that after prior notice and hearing, the respondent/s _____ (name) and _____ (name) have been found to have willfully failed or refused to appear without justifiable reason before the Punong Barangay/Pangkat ng Tagapagkasundo and therefore respondent/s is/are barred from filing his/their counterclaim (if any) arising from the complaint in court/government office.

This _____ day of _____, 19____.

Lupon Secretary/Pangkat Secretary

Attested:

Lupon Chairman/Pangkat Chairman

IMPORTANT: If Lupon Secretary makes the certification, the Lupon Chairman attests.
If the Pangkat Secretary makes the certification, the Pangkat Chairman attests.

Republic of the Philippines
Province of _____
CITY/MUNICIPALITY OF _____
Barangay _____

OFFICE OF THE LUPONG TAGAPAMAYAPA

_____ Barangay Case No. _____
For: _____
Complainant/s _____
— against — _____
_____ Respondent/s _____

MOTION FOR EXECUTION

Complainant/s/Respondent/s state as follows:

1. On _____ the parties in this case signed an amicable
(Date)
settlement/received the arbitration award rendered by the Lupon/Chairman/Pangkat ng
Tagapagkasundo;
2. The period of ten (10) days from the above-stated date has expired without
any of the parties filing a sworn statement of repudiation of the settlement before the
Lupon Chairman a petition for nullification of the arbitration award in court; and
3. The amicable settlement/arbitration award is now final and executory.

WEREFORE, Complainant/s/Respondent/s requests that the corresponding writ of
execution be issued by the Lupon Chairman in this case.

(Date)

Complainant/s/Respondent/s

Republic of the Philippines
Province of _____
CITY/MUNICIPALITY OF _____
Barangay _____

OFFICE OF THE LUPONG TAGAPAMAYAPA

_____ Barangay Case No. _____
For: _____
Complainant/s _____
— against — _____
_____ Respondent/s _____

NOTICE OF HEARING
(RE: MOTION FOR EXECUTION)

TO: _____
_____ Complainant/s _____ Respondent/s

You are hereby required to appear before me on ____ day of _____,
19____ at _____ o'clock in the morning/afternoon/evening for the hearing of the
motion for execution, copy of which is attached hereto, filed by _____
(Name of complainant/s / respondent/s)

(Date)

Punong Barangay/Lupon Chairman

Notified this ____ day of _____, 19____.

(Signature)
Complainant/s

(Signature)
Respondent/s

Republic of the Philippines
Province of _____
CITY/MUNICIPALITY OF _____
Barangay _____

OFFICE OF THE LUPONG TAGAPAMAYAPA

_____ Barangay Case No. _____
Complainant/s For: _____
— against — _____
_____ Respondent/s

NOTICE OF EXECUTION

WHEREAS, on _____, an amicable settlement was signed by
(date)
the parties in the above-entitled case [or an arbitration award was rendered by the Punong
Barangay/Pangkat ng Tagapagkasundo];

WHEREAS, the terms and conditions of the settlement, the dispositive portion of
the award, read:

The said settlement/award is now final and executory;

WHEREAS, the party obliged _____
(name)

has not complied voluntarily with the aforesaid amicable settlement/arbitration award
within the period of five (5) days from the date of hearing on the motion for execution;

NOW, THEREFORE, in behalf of the Lupong Tagapamayapa and by virtue of the
powers vested upon me and the Lupon by the Katarungang Pambarangay Law and Rules,
I shall cause to be realized from the goods and personal property of _____ the sum of

_____ (name of party obliged)

_____ agreed

_____ (state amount of settlement or award)

upon in the said amicable settlement [or adjudged in the said arbitration award], unless
voluntary compliance of said settlement or award shall have been made upon receipt
hereof.

Signed this _____ day of _____, 19____.

_____ Punong Barangay

Copy furnished:

_____ Complainant/s

_____ Respondent/s

Republic of the Philippines
CONGRESS OF THE PHILIPPINES
Metro Manila

Fifth Regular Session

Begun and held in Metro Manila, on Monday, the twenty-second day of July, nineteen hundred and ninety one.

(REPUBLIC ACT NO 7309)

AN ACT CREATING A BOARD OF CLAIMS UNDER THE DEPARTMENT OF JUSTICE FOR VICTIMS OF UNJUST IMPRISONMENT OR DETENTION AND VICTIMS OF VIOLENT CRIMES AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Creation and composition of the Board.* - There is hereby created a Board of Claims under the Department of Justice, hereinafter referred to as the Board, to be composed of one (1) chairman and two (2) members to be appointed by the Secretary of the said department.

SEC. 2. *Powers and Functions of the Board.* - The Board shall have the following powers and functions:

- to receive, evaluate, process and investigate, applications for claims under this Act;
- to conduct an independent administrative hearing and resolve applications for claims, grant or deny the same;
- to deputize appropriate government agencies in order to effectively implement its functions; and
- to promulgate rules and regulations in order to carry out the objectives of this Act.

SEC. 3. *Who may File Claims.* - The following may file claims for compensation before the Board.

- any person who was unjustly accused, convicted, and imprisoned but subsequently released by virtue of a judgment of acquittal;
- any person who was unjustly detained and released without being charged;
- any victim of arbitrary or illegal detention by the authorities as defined in the Revised Penal Code under a final judgment of the court; and
- any person who is a victim of violent crimes. For purpose of this Act, violent crimes shall include rape and shall likewise refer to offenses committed with malice which resulted in death or serious physical and/or psychological injuries, permanent incapacity or disability, insanity, abortion, serious trauma, or committed

with torture, cruelty or barbarity.

SEC. 4. *Award Ceiling* - For victims of unjust imprisonment or detention, the compensation shall be based on the number of months of imprisonment or detention and every fraction, thereof shall be considered one month: *Provide, however.* That in no case shall such compensation exceed One thousand pesos (P1,000) per month.

b) In all other cases, the maximum amount for which the Board may approve a claim shall not exceed Ten thousand pesos (P10,000) or the amount necessary to reimburse the claimant the expenses incurred for hospitalization, medical treatment, loss of wage, loss of support or other expenses directly related to the injury, which ever is lower. This is without prejudice to the right of the claimant to seek other remedies under existing laws.

SEC 5. *When to File Claims* - Any person entitled to compensation under this Act must, within six (6) months after being released from imprisonment or detention, or from the date the victim suffered damage or injury, file his claim with the Department, otherwise, he is deemed to have waived the same. Except as provided for in this Act, no waiver of claim whatsoever is valid.

SEC 6. *Filing of Claims by Heirs* - In case of death or incapacity of any person entitled to any award under this Act, the claim may be filed by his heirs, in the following order: by his surviving spouse, children, natural parents, brother and/or sister.

SEC 7. *Resolution of Claims*- The Board shall resolve the claim within thirty (30) working days after filing of the application.

The Board shall adopt an expeditious and inexpensive procedure for the claimants to follow in order to secure their claims under this Act.

SEC 8. *Appeal* - Any aggrieved claimant may appeal, within fifteen (15) days from receipt of the resolution of the Board, to the Secretary of Justice whose decision shall be final and executory.

SEC 9. *Funding* - For purposes of this Act, the initial amount of Ten million pesos (P10,000,000.00) is hereby authorized to be appropriated from the funds of the National Treasury not otherwise appropriated.

The subsequent annual funding shall also partly come from one percent (1%) of the net income of the Philippine Amusement and Gaming Corporation and one percent (1%) of the proceeds and sales and other disposition of military camps in Metro Manila by the Base Conversion and Development Authority.

The proceeds from any contract relating to the depiction of a crime in a movie, book, newspaper, magazine, radio or television production, or live entertainment of any

and or any other form of commercial exploitation of a convict's story, recollection, opinions and emotions with regard to the offense committed shall not be released to a convict in a criminal case of his heirs, agents, assignees, or successors in interest until full compensation for damages suffered by or awarded, to the victims, his heirs or successors in interest is paid or arranged for, and the state is able to collect/assess fines and costs and any other amounts due it in case of a conviction by final judgement. Such damages shall include, but shall not be limited to, judicial awards, funeral expenses, medical expenses, lost earnings and the like.

To ensure the continuity of the funding requirements under this Act, the amount of Five Pesos (P5.00) shall be set aside from each filing fee in every civil case filed with the court, the total proceeds of which shall constitute the Victim Compensation Fund to be administered by the Department of Justice.

SEC. 10. *Repealing Clause.* - All laws, executive orders and executive issuances inconsistent with this Act are hereby deemed repealed or modified accordingly.

SEC. 11. *Separability Clause.* - If for any reason any section or provision of this Act shall be declared unconstitutional or invalid, no other section or provision shall be affected thereby.

SEC. 12. *Effectivity Clause.* - This Act shall take effect after its publication in two (2) newspapers of general circulation.

Approved,

(Sgd.) RAMON V. MITRA
Speaker of the House
of Representatives

(Sgd.) NEPTALI A. GONZALES
President of the Senate

This bill which originated from the Senate was finally passed by the Senate and the House of Representatives on February 6, 1992 and February 3, 1992, respectively.

(Sgd.) CAMILO L. SABIO
Secretary General
House of Representatives

(Sgd.) ANACLETO D. BADOY, JR.
Secretary of the Senate

Approved: March 30, 1992.

(Sgd.) CORAZON C. AQUINO
President of the Philippines

IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 7309, "AN ACT CREATING A BOARD OF CLAIMS FOR VICTIMS OF UNJUST IMPRISONMENT OR DETENTION AND VICTIMS OF VIOLENT CRIMES."

Pursuant to the provisions of Section 2(d) of Republic Act No. 7309, the following rules and regulations are hereby promulgated to implement the provisions of said Act:

TITLE I

DEFINITION OF TERMS

Section 1. Definition of Terms. - As used in these rules and regulations, unless otherwise specifically provided, the following terms shall be understood to mean:

- (a) "ACT" shall refer to Republic Act No. 7309;
- (b) "BOARD" shall refer to the Board of Claims constituted under Section 1 of the Act;
- (c) "CLAIMANT" shall refer to any person who is:
 - (1) unjustly accused, convicted and imprisoned but subsequently released by virtue of a judgment of acquittal;
 - (2) unjustly detained and released without being charged;
 - (3) a victim of arbitrary or illegal detention by the authorities as defined in the Revised Penal Code under a final judgment of the court;
 - (4) victims of violent crimes; and,
 - (5) the heir of a person entitled to any award under this Act who died or was incapacitated.
- (d) "VIOLENT CRIMES" shall include rape and offenses committed with malice which resulted in death or serious physical and/or psychological injuries, permanent incapacity or disability, insanity, abortion, serious trauma, or committed with torture, cruelty or barbarity.
- (e) "VICTIM COMPENSATION FUND (VCF)" shall refer to whatever amount maybe appropriated by Congress from the funds of the National Treasury, the amount of five pesos (P5.00) set aside from each filing fee in every civil case filed in court 1% of net earnings of PAGCOR and 1% of the proceeds of the sale of military camps in Metro Manila.

TITLE II

THE BOARD OF CLAIMS

Section 1. Composition. -

The Board of Claims shall be composed of a chairman and two (2) members to be appointed by the Secretary of Justice. It shall meet at least once a week or as often as may be necessary upon call by the chairman.

Section 2. Powers and Functions. -

The Board shall have the following powers and functions:

- (a) to receive, process, investigate and evaluate applications for claims under this Act;
- (b) to conduct an independent administrative hearing and resolve applications for claims;
- (c) to deputize and coordinate with appropriate government agencies in order to effectively implement its functions; and,
- (d) to promulgate and amend rules and regulations in order to carry out the objectives of this Act.

TITLE III

ADJUDICATION OF CLAIMS

Section 1. When to file claims

Any person entitled to compensation under this Act, within six (6) months after being released from imprisonment or detention, or from the date he suffered damage or injury, must file his claim with the Board, otherwise he is deemed to have waived his claim. Except as provided for in this Act, no waiver of claim whatsoever is valid.

Section 2. How to file claims. -

A claimant may file a claim with the Board by filling up an application form provided for the purpose and attaching thereto:

- (a) In case of a person who was unjustly accused, convicted and imprisoned but subsequently released by virtue of a judgment of acquittal:
 - 1) a certified true copy of the judgment of acquittal;
 - 2) certified true copies of the commitment order and release from confinement by the jail warden or prison authority concerned;
- (b) In case of a person who was unjustly detained and released without being charged:
 - 1) any proof to show that he was unjustly detained without being charged.
- (c) In case of a victim of arbitrary or illegal detention by the authorities as defined in the Revised Penal Code under a final judgment of the court:
 - 1) certified true copy of the final judgment.
- (d) In case of a person who is a victim of violent crimes:
 - 1) any evidence that would prove that he is a victim of violent crimes including but not limited to the certified true copy of the report to the police or a doctor's/psychiatrist's certificate, if necessary.
- (e) If claimant is an heir, he shall also submit the following:
 - 1) Death certificate of the person entitled to an award or government doctor's certificate of incapacity;
 - 2) Marriage certificate if claimant is the spouse;
 - 3) Birth certificate/s if claimant is a child/children; or,
 - 4) Proof of relationship that he/she is a parent, brother or sister.

Section 3. Processing do claims. -

- (a) After the claim has been docketed and given a claim number, it shall be assigned to an Evaluator who shall evaluate the merits of the claim. Should there be a need to verify the authenticity of the evidence presented, he shall direct an investigation thereof;
- (b) The investigator shall submit his report to the Evaluator within five (5) days from assignment. The Evaluator shall submit his recommendation to the Board within ten (10) days from the submission of the investigator's report;
- (c) The Board shall resolve the claim within thirty (30) working days after the filing of the application; and,
- (d) Within fifteen (15) days from receipt of the resolution of the Board, an aggrieved claimant may appeal to the Secretary of Justice whose decision shall be final and executory.

TITLE IV

AWARD

Section 1. How much shall be awarded. -

- (a) For victim of unjust imprisonment or detention, the compensation shall be based on the number of months of imprisonment or detention, and every fraction thereof shall be considered one month: Provided, however, That in no case shall such compensation exceed one thousand pesos (P1,000.00) per month.
- (b) In all other cases, the maximum amount for which the Board may approve a claim shall not exceed ten thousand pesos (P10,000.00) or the amount necessary to reimburse the claimant the expenses incurred for hospitalization, medical treatment, loss of wage, loss of support or other expenses directly related to the injury, whichever is lower to be determined by the Board.

TITLE V

EFFECTIVITY

These rules and regulations shall become effective after fifteen (15) days following their publication in two (2) newspapers of general circulation.

27th day of April 1992

Manila, Philippines.



The Katarungang Pambarangay System falls squarely within the people-empowerment thrust of the Administration. It is not only people-oriented; it is also people-based. The training program on the Katarungang Pambarangay Law and its implementing rules and regulations should reach the majority of the constituency. Such knowledge and training would enable all those administering justice at the barangay level to act accordingly and effectively on the complaints and grievances which fall under the jurisdiction of the Katarungang Pambarangay.

Through the Barangay Justice System training program, the Department of Justice assists the people to become self-reliant and competent conciliators, mediators and arbitrators. The training program also imbues the people with the community-spirit and sense of self-governance necessary for social and political growth and development.

This booklet includes the Katarungang Pambarangay Law, its implementing rules and regulations and the appropriate forms. It likewise contains the provisions of Republic Act No. 7309 on the Victim Compensation Program administered by the Department of Justice.


TEOFISTO T. GUINGONA, JR.
Secretary