

LEVEL OF AWARENESS OF LUPONG TAGAPAYAPA IN THE IMPLEMENTATION OF BARANGAY JUSTICE SYSTEM

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Abstract

This study was conducted to determine the level of awareness of the Lupon Tagapayapa in the implementation of the Barangay Justice System. The study made use of descriptive research design. The respondents were the members of the Lupon Tagapayapa in the selected barangays of the Municipality of Buenavista, Province of Guimaras and researcher-made questionnaire were used. The statistical tools used were frequency count, percentage, and mean. Most of the respondents were old ages ranging from 18-26 years old majorities were male, college undergraduate and married. In terms of religion most of them are Roman Catholic and act as members of lupon tagapayapa. New Poblacion lupon tagapayapa members were very aware while the rest of the identified barangay were aware of the implementation of the barangay Justice System with the over-all mean of 3.34 interpreted as aware. As a whole respondents were aware of the Barangay Justice System with the mean of 3.12.

Keywords: Awareness, Lupon Tagapayapa, Implementation, Barangay Justice System, descriptive-survey, Guimaras, Philippines

INTRODUCTION

Background/Rationale

The Katarungang Pambarangay or the Barangay Justice System is an extra governmental mechanism aimed at perpetuating the time honoured tradition of amicably settling interpersonal disputes in a community without recourse to the formal legal system of confrontational social behaviour.

The central feature of the system is the Lupon Tagapayapa, a community-based conflict resolution effort that is highly supportive of the notions of social ordering and human development. While the speedy administration of justice is the immediate concern of the Katarungang Pambarangay, equal importance in leadership building and community empowerment is the resultant effects of institutionalizing the system.

Pursuant to section 402 of the Local Government Code, the Lupon shall have the following functions to wit: (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 resolutions of disputes; (c) exercise such other powers and perform such other duties and functions as prescribed by law or ordinance; (d) give concurrence to the withdrawal of appointment of lupon members; and (e) execute the lupon chairman the settlement of arbitration.

The role of Lupon in the implementation of the justice system at the barangay level is very crucial. However, it might be that some of the Lupon members are not aware of their role in the implementation of the local justice system. It is therefore the aim of this study to determine their level of awareness.

Objectives

This study was conducted to determine the level of awareness of the Lupon Tagapayapa in the implementation of the Barangay Justice System.

Specifically:

1. Determined the profile of the respondent in terms of age, sex, civil status, religious affiliation and educational attainment;
2. Determined the level of awareness of the Lupon Tagapayapa in the implementation of the Barangay Justice System;

REVIEW OF RELATED LITERATURE AND STUDIES

Conceptual Literature

Lupon Tagapayapa

Every Barangay has created their Lupon Tagapayapa, composed of the punong barangay as chairman and ten (10) to twenty (20) members. The Lupon shall be constituted every two (2) years in the manner provided herein; 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 as member of the lupon; a notice to constitute the lupon shall include the names of proposed members who have expressed their willingness to serve which shall be prepared by the Punong Barangay within the first fifteen (15) days from the start of his term of office which shall be posted in three (3) conspicuous places in the barangay continuously for a period of not less than three (3) weeks; 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, appoint as members those whom he determines to be suitable therefore which shall be in writing, signed by the Punong Barangay, and attested to by the barangay secretary; 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 in barangays where majority of the inhabitants are members of indigenous cultural communities, local systems of as through their councils of datum or elders shall be recognized without prejudice to the applicable provisions of this Code.

Functions of the Lupon

The Lupon shall exercise administrative supervision over the conciliation panels provided herein; meet regularly once a month to provide a forum for exchange of ideas among its members and the public on matters relevant to the amicable settlement of disputes, and to enable various conciliation panel members to share with one another their observations and experiences in effecting speedy resolution of disputes; exercise, and perform other powers, duties and functions as may be prescribed by law or ordinance; give a concurrence to withdrawal of the Lupon members; and execute through the Lupon Chairman the settlement and arbitration award.

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.

Pangkat ng Tagapagkasundo

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; and 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 and himself to the proper city or municipal court. He shall issue and cause to serve 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.

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 choice, the vacancy shall be filled by lot to be drawn by the Lupon Chairman.

Character of Office and Service of Lupon Members

The Lupon 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, and 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.

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.

Venue

Disputes between persons actually residing in the same barangay shall be brought for amicable settlement before the lupon of said barangay; those involving actual residents of different barangays 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; 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; and those 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. 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 thereon shall be binding.

Procedure for Amicable Settlement

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 and may initiate the proceeding after payment of the appropriate filing fee.

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.

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 complaint with the 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.

Issuance of summons; hearing and 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.

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.

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.

Conciliation

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.

The parties may go directly to court in the following instances: (a) where the accused is under detention; (b) where a person has otherwise been deprived of personal liberty calling for habeas corpus proceedings; and (c) where actions are coupled with provisional remedies such as preliminary injunction, attachment, delivery of personal property, and support pendente lite. Where the action may otherwise be barred by the statute of limitations.

Conciliation among members of indigenous cultural communities. - The customs and traditions of indigenous cultural communities shall be applied in settling disputes between members of the cultural communities.

Arbitration

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 ten (10) days thereafter; and the arbitration award shall be in writing in a language or 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.

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.

Appearance of Parties in Person

In all katarungang pambarangay 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.

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.

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.

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.

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.

Power to Administer Oaths

The Punong Barangay, as Chairman of the Lupon Tagapayapa, 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.

Administration; Rules and Regulations

The city or municipal mayor, as the case may be, shall secure 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.

Appropriations

Such amount as may be necessary for the effective implementation of the Katarungang Pambarangay shall provide for in the annual budget of the city or municipality concerned.

Barangay Justice System

"Barangay Justice holds bright promises for the establishment of a fast and orderly society under a new political order. But much of its success must depend upon the people themselves and the official who will administer the system and the citizen who will participate on it. In one way or another on how responsibly they will perform their respective rule and more basically, how clearly and intelligent they read the law.

This is pursuant to section of Presidential Decree No. 1508 the rules and regulation are hereby promulgated for the amicable settlement of disputes at the Barangay level, without judicial recourse.

Lawson defines justice as fair treatment under the law this mean that those who are authorized to inform the law must treat people family and equally by showing respect for the rule of law. Only by applying, the law equally to all rich or poor, high or low cannot be legitimacy and acceptance from those people over whom they rule.

Lawson further said, there can be no justice without the prior establishment of the principle of the rule of law. There can be no justice without the body of law to guide the judge. The mere existence of the body of law and competent judges does not guaranty that justice will prevail. There can be no doubt that those who have been given the authority to determine what is just may commit errors of judgment.

Former Associate Justice Roberto Regala of the Supreme Court said many years ago, equal justice under the law is more than an abstraction. It is a way of life that is essential on our part to carry or demonstrate this thought to the street so that people will have a better understanding of the rule of law.

A desire for smooth interpersonal relationships is not an exclusive trait. It is in fact universal, it being in the nature of man in civilized societies at least to avoid conflicts for all the dangers and inconvenience. There is probably no society in which legislation is the normal means of resolving disputes. Rarely both parties press their claim so far as to require to a court; instead one of the disputants will probably offer a satisfactory settlement or propose the use of some extra judicial in a normal procedure.

The principle of mediation is very much a part of the legal system, especially in the settlement of disputes of contractual nature. Apparently, different countries have different method in informal settlement of cases but their objectives are in variably the same, which are to afford the contending parties speedy justice with the least inconvenience and expenses and to relieve the courts of minor cases to improve the quality of justice dispensed by them. These are precisely the objectives of Presidential Decree No. 1508. The Review of Related Literature and Studies are related to the present studies because it discussed the implementation of Katarungang Pambarangay Law.

METHODOLOGY

Research Design

The descriptive method of research were employed in this study. It comprises those methods concerned with the collecting and describing of data to give meaningful questionnaire with the key information on the locale and respondents of the study.

Locale of the Study

The study were conducted within the selected urbanized barangays in the Municipality of Buenavista namely: Brgy. McLain, Brgy. New Poblacion, Brgy. Sto. Rosario, Brgy. Salvacion, and Brgy. Tastasan.

Respondents of the study

The respondents of the study are the members of the Lupon Tagapayapa in the selected barangays of the Municipality of Buenavista, Province of Guimaras in the year 2012.

Sampling Technique

Purposive random sampling were utilized in this study wherein the researchers determined the sample size and the number of respondents in the selected barangays of Buenavista.

Data Gathering Instrument

This study was utilized a researcher-made questionnaire validated by the jurors who are considered expert in their field of specialization. The data gathering instrument in the Lupon Tagapayapa was categorized according to their age, sex, civil status, religious affiliation, educational attainment, and position. The questionnaire underwent reliability testing to prove its validity and reliability before its distribution to the respondents.

Validity of Instrument

In this study, the researcher made a questionnaire validated by five jurors who are expert in their field of specialization. The questions were analyzed whether the item is appropriate or needs revision.

Reliability of Instrument

After the validation of the questionnaire, the reliability testing were conducted in the selected barangays such as Brgy. Cansilayan, Brgy. San Fernando, and Brgy. Bacjao in the Municipality of Buenavista with the respondents of 30 Lupon Tagapayapa members. The results were as follows: Mean 70.77; Standard Deviation 303.11. With the rate of .903 on Cronbach's Alpha method, results revealed that the questionnaire was highly valid at .903 set .05 Cronbach Alpha.

Data Gathering Procedure

The researchers gathered data as to a numbers of cases settled in the barangay level which determined the sample size and field the questionnaire purposively covering the lupon tagapayapa in the Municipality of Buenavista, Province of Guimaras.

Statistical Tools use in the Study

The data gathered were analyzed by getting the frequency, mean and percentage for descriptive analysis. The discussion was based on the results of the statistical tools.

Frequency count and percent. The frequency count and percent was used to determine the distribution of the personal attributes of the respondents and a number of responses for each item in the

questionnaire.

Mean. The mean was used to describe the respondents' level of awareness of the lupon tagapayapa in the implementation of barangay justice system.

Data Analysis

The gathered data was tabulated and computed manually and was analyzed using the descriptive statistics.

RESULTS AND DISCUSSIONS

Table 1 presents the Profile of the Respondents, results revealed that when categorized according to variable of age, 7 or 14% were young age ranges from 20-30 years old 10 or 20% were middle age ranges from 31-40 years old, and 33 or 66% were old age ranges from 41-50 years old.

When categorized as to sex, results show that 31 or 62% were male and 19 or 38% were female. As to their religious affiliation, 28 or 56% were Roman Catholic, 12 or 24 % were IFI, 6 or 12% were SDA and 4 or 8% were Protestant.

When categorized according to civil status, 8 or 16% were single, 2 or 4% were separated, 3 or 6% were widower and 37 or 86% were married. In terms of their educational attainment, 3 or 6% were high school undergraduate, 8 or 16% were high school graduate, 17 or 34% were college undergraduate and 22 or 44% were college graduate and lastly according to their position as Lupon Tagapayapa 6 or 12 % were chairman, 40 or 80% were members and 4 or 8% were secretary.

Table 2 revealed that the respondents level of awareness in the implementation of Barangay Justice System according to barangay. It was found out that New Poblacion lupon tagapayapa were very aware while the rest of the identified barangay were aware of the implementation of the barangay Justice System with the over -all mean of 3.34 interpreted as aware.

Table 1. Profile of the Respondents

Category	f	Percentage (%)
Age		
Young	7	14
Middle Age	10	20
Old	33	66
Total	50	100
Sex		
Male	31	62
Female	19	38
Total	50	100
Religious Affiliation		
Roman Catholic	28	56
IFI	12	24
SDA	6	12
Protestant	4	8
Others	0	0
Total	50	100
Civil Status		
Single	8	16
Separated	2	4
Widower	3	6
Married	37	86
Total	50	100
Educational Attainment		
High School	3	6
Undergraduate	8	16
High School Graduate	17	34
College Undergraduate	22	44
College Graduate	50	100
Total		
Position		
Chairman	6	12
Members	40	80
Secretary	4	8
Total	50	100

Table 2. Level of Awareness of Lupon Tagapayapa in the Implementation of Barangay Justice System According To Identified Barangay

Barangay	Mean	Interpretation
Salvacion	3.10	Aware
Tastasan	3.26	Aware
McLain	3.25	Aware
Sto. Rosario	3.29	Aware
New Poblacion	3.79	Very Aware
Total	3.34	Aware

Table 3 shows the level of awareness of the respondents (Lupon Tagapayapa) in the implementation of Barangay Justice System as a whole. It was found out that as a whole were aware of the the Barangay Justice System with the mean of 3.12.

Table 3. Level of Awareness of Lupon Tagapayapa in the Implementation of Barangay Justice System

	Mean	Interpretation
1. The Lupon members exercise administrative supervision over conciliation panels.	3.40	Very Aware
2. If one of the disagreeing parties is the government, or any of its subdivision or instrumentalities, the lupon has no authority to settle the disputes or disagreement.	2.82	Aware
3. If one of the disagreeing parties is a public officer or employee and the disagreement relates to the performance of his official functions, the lupon has no authority over the disputes.	3.04	Aware
4. If the offense committed is punishable by imprisonment exceeding one (1) year or a fine exceeding five thousand pesos (5,000.00), the lupon has no authority to settle the disputes.	2.72	Aware
5. If the dispute involves a resident of different barangays, it shall be brought for settlement to the Lupon of the Barangay where the complainant chooses to take it.	3.12	Aware
6. If the dispute involves a real property or any interest in it in two adjoining barangay, it shall be brought to the barangay where the property or its larger portion is situated, or at the option of the parties.	3.36	Aware
7. The Lupon shall have no authority in offenses where there is no private offended party.	5.00	Very Much Aware
8. If the accused is under detention, the party can go directly to the proper court.	2.82	Aware
9. The Lupon Chairman and the pangkat members can administer oaths in matters relating to all proceedings in the implementation of the Barangay Justice System.	1.70	Slightly Aware
10. Upon receipt of the complaint, the Lupon Chairman shall within the next working day, call for the respondent, complainant and their witnesses to appear before him for a mediation of their conflicting interests.	3.26	Aware
Total	3.12	Aware

Scale: 1.00-1.79 Not Aware (NA), 1.80-2.59 Slightly Aware (SA), 2.60-3.39 Aware (A), 3.40-4.19 Very Aware (VA), 4.20-5.00 Very Much Aware (VMA)

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

Based on the result of findings of the study, the following conclusions were made:

1. Most of the respondents were old ages ranging from 18-26 years old majorities were male, college undergraduate and married. In terms of religion most of them are Roman Catholic and act as members of lupon tagapayapa.
2. Level of awareness of the Lupon Tagapayapa in the implementation of the Barangay Justice System to:
 - a. Barangay. New Poblacion lupon tagapayapa were very aware while the rest of the identified barangay were aware of the implementation of the barangay Justice System with the overall mean of 3.34 interpreted as aware.
 - b. As a whole respondents were aware of the Barangay Justice System with the mean of 3.12.

Based on the foregoing conclusions the following measures are recommended:

Aside from the orientation conducted by the LGU on the rules and functions of the members of Lupon Tagapayapa, a regular seminar-workshop will be extended to the members of Lupon Tagapayapa in the identified barangay by the academe to increase awareness among the members for quality services. Development of brochure and flyers of the functions, procedure and governing laws in native tongue will be done to further increase comprehension among members of Lupon Tagapayapa.

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