

Republic of the Philippines  
Congress of the Philippines  
Metro Manila

Eighteenth Congress  
First Regular Session



House Bill No. 5431

Introduced by:

Fidel F. Nograles  
Second District  
Province of Rizal

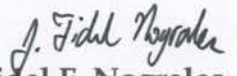
The Katarungang Pambarangay, formerly governed by Presidential Decree (PD) No. 1508 which was repealed and replaced by Secs. 399-422, Chapter VII, Title I, Book III, and Sec. 515, Title I, Book IV, Republic Act (R.A.) No. 7160, otherwise known as the Local Government Code of 1991 and Supreme Court Administrative Circular No. 14-93 has sought to promote the speedy administration of justice at the barangay level, thereby giving official recognition to the time-honored tradition of amicably settling disputes at the barangay level where members of the communities are encouraged to find solutions to issues concerning the rhythm and harmony of the community.

RA 7160 expanded the cases covered by the Katarungang Pambarangay by increasing the authority of the lupon to settle criminal offenses from those punishable by imprisonment not exceeding thirty days or a fine not exceeding two hundred pesos in PD 1508 to those criminal offenses punishable by imprisonment not exceeding one (1) year or a fine not exceeding five thousand pesos (P 5,000.00).

Almost three decades since RA 7160, the Katarungang Pambarangay has yet to be revisited to assess and, if warranted, improve on the administration of justice at the barangay level and prevent the clogging of higher courts due to elevation of cases which can be settled at the barangay level. Such issues like the abuse in the issuance of the certificate to file action, the lack of capacity and training of lupon members, the lack of remuneration for the performance of their duty and the lack of mainstreaming of laws to the barangay constituency need to be addressed.

For the Katarungang Pambarangay law to fully achieve its objectives of fair and speedy administration of justice at the barangay level, it is imperative to revisit the provisions of the Katarungang Pambarangay in RA 7160. It is also high time to professionalize justice administration at the barangay level and to provide greater fiscal and other incentives to attain a high level of competency, integrity, independence, probity and honesty

In view of the foregoing, the passage of this bill is earnestly sought.

  
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**AN ACT EXPANDING AND MODERNIZING THE KATARUNGANG  
PAMBARANGAY AND STRENGTHENING SUPPORT FOR THE BARANGAY  
JUSTICE SYSTEM AND ITS WORKERS.**

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

**SECTION 1. *Short Title*** – This Act shall be known and cited as the “Barangay Justice System Act of 2019.”

**SECTION 2. *Declaration of Policy*** – It is the policy of the State to ensure that justice, in its most tangible and immediate sense, is made easily accessible to all its citizens. In line with the foregoing, the State recognizes that there is a need to further strengthen and modernize the government services aimed at providing access to justice at the barangay level, the level of government which is most immediately accessible to Filipino citizens.

**SECTION 3. *Definition of Terms*** –

- (a) “Barangay Justice Worker” refers to a person who renders barangay justice services in the barangay level after having been accredited to function as



such by the Department of Justice (hereinafter referred to as the "DOJ"), in accordance with the DOJ's promulgated guidelines;

- (b) "Barangay Justice Advisory Center" refers to the office that is established in order to be an information and advice center that may be approached by barangay residents for preliminary inquiries regarding possible initiation of or defense against existing legal action;
- (c) "Barangay Conciliation Board", otherwise referred to as "conciliation board", refers to the body of individuals that exercises administrative supervision over conciliation and conciliation panels at the barangay level;
- (d) "Barangay Conciliation Panel", otherwise referred to as "conciliation panel", refers to the conciliation panel chosen by the parties to the dispute from the list of members of the conciliation board;

#### **SECTION 4. *Barangay Justice Worker* -**

- (a) For a person to be eligible for registration and accreditation as a Barangay Justice Worker with the DOJ, he must be a Filipino citizen of legal age, is a college degree graduate, must have undergone and successfully completed the Barangay Justice Training Program provided by the DOJ, in coordination with the Department of Interior and Local Government (DILG), and is
- (b) found to be a person of integrity, impartiality, independence of mind, sense of fairness, and reputation for probity.

**SECTION 5. *Barangay Justice Training Program*** - in coordination with the DILG, the DOJ shall formulate and administer a training program to be known as the Barangay Justice Training Program, , for all prospective Barangay Justice Workers consisting of not less than eighty (80) hours of training, including, but not limited to, lectures on basic civil and criminal procedure, rules of evidence, arbitration and dispute resolution, as well as relevant substantive laws such as family law, property law and criminal law.

**SECTION 6. *Mandatory Continuing Barangay Justice Education*** - The DOJ, in coordination with the DILG, shall likewise formulate and administer a continuing mandatory education program for Barangay Justice Workers consisting of sixteen (16) hours of lectures on relevant legal topics; *provided*, that such sixteen (16) hours of lectures shall be attended by each Barangay Justice Worker every three years, including the year immediately after the year of registration of said Barangay Justice Worker.

**SECTION 7. *Assignment of Barangay Justice Workers to Barangays*** - The DOJ shall likewise devise a system of assigning registered Barangay Justice Workers to specific



barangays. In assigning such Barangay Justice Workers, the DOJ shall take into consideration and ensure that Barangay Justice Workers actually residing in a barangay are assigned thereto, or failing such, are assigned to the city or municipality of residence, or further failing such, are assigned to the city, municipality, or barangay closest to their actual place of residence. The DOJ shall ensure that at least six (6) but not more than twelve (12) Barangay Justice Workers shall be assigned for each barangay.

**SECTION 8. *Functions of the Barangay Justice Worker*** – A Barangay Justice Worker shall –

- (a) Perform functions as part of the Barangay Justice Advisory Center as defined hereunder;
- (b) Sit as a member of the Barangay Conciliation Board and perform the functions therein as defined hereunder;

**SECTION 9. *Barangay Justice Advisory Center*** – There is hereby created in each barangay a Barangay Justice Advisory Center which is composed of all the Barangay Justice Workers currently assigned in the barangay.

**SECTION 10. *Functions of the Barangay Justice Advisory Center*** – The Barangay Justice Advisory Center shall –

- (a) Entertain queries from barangay residents regarding basic legal questions of rights and obligations, especially in relation to the barangay and their co-residents;
- (b) Advise barangay residents regarding possible avenues of legal action and the applicability and/or necessity of undergoing conciliation under the Conciliation board; and
- (c) Officially refer inquiring barangay residents to proper legal offices such as, but not limited to, the City Prosecutor's Office, Public Attorney's Office, the local chapter of the Integrated Bar of the Philippines, or the NLRC's Single Entry Assistance Desk (SEAD), depending on the assessed legal need of such resident.

**SECTION 11. *Barangay Conciliation Board***. – The conciliation board is composed of the punong barangay, as chairman and the Barangay Justice Workers assigned to the barangay as members. The conciliation board is a standing body that continuously exists, with only the punong barangay, as chairman, being replaced every time a new one is duly elected.

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 law.

**SECTION 12. *Functions of the Barangay Conciliation Board.*** – The conciliation board shall:

- (a) Exercise administrative supervision over the conciliation panels provided herein;
- (b) Meet regularly once a month to provide a forum for exchange of ideas among its members and the public on matters relevant to the amicable settlement of disputes, and to enable various conciliation panel members to share with one another their observations and experiences in effecting speedy resolution of disputes; and
- (c) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

**SECTION 13. *Secretary of the Conciliation Board.*** – The barangay secretary shall concurrently serve as the secretary of the conciliation board. The secretary 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.

**SECTION 14. *Barangay Conciliation Panel.*** –

- (a) There shall be constituted for each dispute brought before the conciliation board a conciliation panel, consisting of three (3) members who shall be chosen by the parties to the dispute from the list of members of the conciliation board. Should the parties fail to agree on the conciliation panel membership, the same shall be determined by lots drawn by the conciliation board chairman.
- (b) The three (3) members constituting the conciliation panel shall elect from among themselves the panel chairman and the panel secretary. The panel secretary shall prepare the minutes of the conciliation panel proceedings and submit a copy duly attested to by the chairman to the conciliation board secretary and to the proper city or municipal court. He shall issue and cause to be served notices to the parties concerned.
- (c) Subject to RA 10173, or the “Data Privacy Act,” the conciliation board secretary shall issue certified true copies of any public record in his custody that is not by law otherwise declared confidential.



**SECTION 15. *Vacancies in the Barangay Conciliation Panel.*** – Any vacancy in the conciliation panel shall be chosen by the parties to the dispute from among the other conciliation board members. Should the parties fail to agree on a common choice, the vacancy shall be filled by lot to be drawn by the conciliation board chairman.

**SECTION 16. *Character of Office of Barangay Conciliation Board Members.*** – The conciliation board 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.

**SECTION 17. *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 conciliation board or conciliation panel member whenever necessary in the exercise of his functions under this Act.

**SECTION 18. *Subject Matter for Amicable Settlement; Exceptions Thereto.*** – The conciliation board 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 conciliation board;
- (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 conciliation board;
- (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 conciliation board under this Code are filed may, at any time before trial, *motu proprio* refer the case to the conciliation board concerned for amicable settlement.

**SECTION 19. *Venue for Amicable Settlement.* –**

- (a) Disputes between persons actually residing in the same barangay shall be brought for amicable settlement before the conciliation board of said barangay.
- (b) 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.
- (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 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.

**SECTION 15. *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 conciliation board may complain, orally or in writing, to the conciliation board chairman of the barangay.
- (b) Mediation by conciliation board chairman – Upon receipt of the complaint, the conciliation board 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 conciliation panel 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 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 conciliation board or conciliation panel 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 conciliation panel shall convene not later than three (3) working days from its constitution, on the day and hour set by the conciliation board chairman, to hear both parties and their witnesses, simplify issues, and explore all possibilities for amicable settlement. For this purpose, the conciliation panel 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 conciliation panel by reason of relationship, bias, interest, or any other similar grounds discovered after the constitution of the conciliation panel, the matter shall be resolved by the affirmative vote of the majority of the conciliation panel 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 conciliation panel shall arrive at a settlement or resolution of the dispute within thirty (30) days from the day it convenes in accordance with this section. This period shall, at the discretion of the conciliation panel, be extendible for another period which shall not exceed thirty (30) days, except in clearly meritorious cases.

**SECTION 16. *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 conciliation board chairman or the conciliation panel 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 known to them.

**SECTION 17. *Conciliation.*** –

- (a) Pre-condition to Filing of Complaint in Court. – No complaint, petition, action, or proceeding involving any matter within the authority of the conciliation board 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 conciliation board chairman or the conciliation panel, and that no conciliation or settlement has been reached as certified by the conciliation board secretary or conciliation panel secretary as attested to by the conciliation board or conciliation panel chairman or unless the settlement has been repudiated by the parties thereto.



(b) Where 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 indigenous cultural communities shall be applied in settling disputes between members of the cultural communities.

**SECTION 17. *Certification for Filing*** – The certification for filing a complaint in court or any government office shall be issued as follows::

- (a) Issued by the conciliation board secretary and attested by the conciliation board chairman (punong barangay), certifying that a confrontation of the parties has taken place and that a conciliation settlement has been reached, but the same has been subsequently repudiated;
- (b) Issued by the panel secretary and attested by the panel chairman certifying that:
  - a. a confrontation of the parties took place but no conciliation/settlement has been reached; or
  - b. that no personal confrontation took place before the conciliation panel through no fault of the complainant.
- (c) Issued by the punong barangay as requested by the proper party on the ground of failure of settlement where the dispute involves members of the same indigenous cultural community, which shall be settled in accordance with the customs and traditions of that particular cultural community, or where one or more of the parties to the aforesaid dispute belong to the minority and the parties mutually agreed to submit their dispute to the indigenous system of amicable settlement, and there has been no settlement as certified by the datu or tribal leader or elder to the punong barangay of place of settlement; and



- (d) If mediation or conciliation efforts before the punong barangay proved unsuccessful, there having been no agreement to arbitrate, or where the respondent fails to appear at the mediation proceeding, the punong barangay shall not cause the issuance at this stage of a certification to file action, because it is mandatory for him to constitute the conciliation panel before whom mediation, conciliation, or arbitration proceedings shall be held.

**SECTION 18. *Arbitration.* –**

- (a) The parties may, at any stage of the proceedings, agree in writing that they shall abide by the arbitration award of the conciliation board chairman or the conciliation panel. 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.
- (b) 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.

**SECTION 19. *Proceedings Open to the Public; Exception.* –** All proceedings for settlement shall be public and informal: Provided, however, That the conciliation board chairman or the conciliation panel 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.

**SECTION 20. *Appearance of Parties in Person.* –** In all barangay conciliation 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.

**SECTION 21. *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 conciliation board under the last paragraph of Section 18 of this law, in which case the compromise settlement agreed upon by the parties before the conciliation board chairman or the conciliation panel chairman shall be submitted to the court and upon approval thereof, have the force and effect of a judgment of said court.

**SECTION 22. *Execution.* –** The amicable settlement or arbitration award may be enforced by execution by the conciliation board 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.

**SECTION 23. *Repudiation.*** – Any party to the dispute may, within ten (10) days from the date of the settlement, repudiate the same by filing with the conciliation board 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.

**SECTION 24. *Transmittal of Settlement and Arbitration Award to the Court.*** – The secretary of the conciliation board 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 conciliation board chairman.

**SECTION 25. *Power to Administer Oaths.*** – The punong barangay, as chairman of the conciliation board, and the members of the conciliation panel are hereby authorized to administer oaths in connection with any matter relating to all proceedings in the implementation of the barangay conciliation procedure herein outlined.

**SECTION 26. *Barangay Justice Worker Salary, Incentives and Benefits.***– In recognition of their services, all accredited barangay justice workers who are actively and regularly performing their duties shall be entitled to the following salary, incentives and benefits:

- (a) **Salary** – Barangay Justice Workers shall receive a compensation under a salary grade to be determined by the DOJ;
- (b) **Hazard Allowance** – Barangay Justice Workers in rural and urban areas, exposed to situations, conditions, or factors in the work environment or place where foreseeable but unavoidable danger or risks exist which adversely endanger his health or life and/or increase the risk of producing adverse effect on his person in the exercise of his duties, to be validated by the proper authorities, shall be entitled to hazard allowance in an amount to be determined by the DOJ, in consultation with the local peace and order council of the local government unit concerned.
- (c) **Training, Education and Career Enrichment Programs** – The DOJ, in accordance with the Department of Education and other concerned government agencies and non-government organizations, shall provide opportunities for the following:
  - 1) educational programs which shall recognize years of barangay justice service as credits to higher education in institutions with stepladder



curricula that will entitle Barangay Justice Workers to upgrade their skills and knowledge for community work or to pursue further training as lawyers;

- 2) continuing education, study and exposure tours, training, grants, field immersion, scholarships, etc.; and
  - 3) scholarship benefits in the form of tuition fees in state colleges, to be granted to one child of every Barangay Justice Worker who will not be able to take advantage of the above programs.
- (d) **Civil Service Eligibility** - A second grade eligibility shall be granted to Barangay Justice Workers who have rendered five (5) years continuous service as such.
- (e) **Free Legal Services** - Legal representation and consultation services for Barangay Justice Workers shall be immediately provided by the Public Attorneys Office in cases of coercion, interference, and in other civil and criminal cases filed by or against Barangay Justice Workers arising out of or in connection with the performance of their duties as such.
- (f) **Private Legal Assistance** - As an alternative to the free legal services under the previous paragraph, all Barangay Justice Workers are hereby authorized to engage the service of private lawyers or extend counsel immediately upon receipt of Court Notice that a civil or criminal action, suit or proceeding is filed against them. The lawyer's fee shall be part of the indemnification package for the Barangay Justice Workers, subject to the provisions of the succeeding paragraph.
- (g) **Indemnification of Barangay Justice Worker** - The DOJ shall establish an equitable indemnification package for the Barangay Justice Workers, which may be in the form of free legal assistance, liability insurance, and other forms of protection and indemnification for all cost and expenses reasonably incurred by such persons in connection with any civil or criminal actions, suit or proceeding to which they may be, or have been made, a party by reason of the performance of their functions or duties, unless they are finally adjudged in such action or proceeding to be liable for gross negligence or misconduct or grave abuse of discretion.

In the event of settlement or compromise, indemnification shall be confined only on matters covered by the settlement, provided that the DOJ Secretary has determined that the concerned Barangay Justice Worker did not committed gross negligence or misconduct in the performance of his functions and duties.

- (h) **Legal Assistance Fund** - There shall be established a Legal Assistance Fund to be administered by the DOJ and sourced from the filing fees authorized to be

collected under Section 15 of this Act and from national and local appropriations, among others.

**SECTION 27. *Administration; Rules and Regulations*** – The city or municipal mayor, as the case may be, shall see to the efficient and effective implementation and administration of barangay conciliation provisions of this law.

The Department of Justice, in coordination with concerned agencies, shall prepare and issue the implementing rules and regulation within one hundred eighty (180) days from the effectivity of this Act.

**SECTION 28. *Appropriations*** – Such amount as may be necessary for the effective implementation of this law shall be included in the annual General Appropriations Act (GAA) under the annual budget of the city or municipality concerned.

**SECTION 28. *Separability Clause*** – If any provision of this Act is declared invalid, the remainder or any provision hereof not affected thereby shall remain in force and effect.

**SECTION 30. *Repealing Clause*** – The provisions of existing laws, decrees, issuances, rules and regulations, or portions thereof, which are inconsistent herewith are hereby repealed, modified, or amended accordingly.

**SECTION 31. *Effectivity*** – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.