

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SIXTEENTH CONGRESS

Second Regular Session

House Bill No. **4693**



Introduced by Rep. EVELIO R. LEONARDIA

EXPLANATORY NOTE

To initiate a criminal complaint is subject to prescription. Criminal offenses covered by the conciliation proceedings before the Barangay Lupon requires a shorter period to prescribe while suspension of the prescriptive period pending conciliatory proceedings is provided by the Local Government Code. In many instances, the simple issuance by the Barangay Lupon or any responsible official of the Barangay for that matter is ordinarily overlooked, thus, the lapse of the filing of the criminal complaint to the prejudice of justice. Thus, there is the need to impose sanctions on such failure by the Barangay Official concerned to encourage diligence in such public service and to fortify the administration of justice.

As such, the approval of this Bill is earnestly sought.


REP. EVELIO R. LEONARDIA
Lone District, Bacolod City

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AN ACT

AMENDING REPUBLIC ACT NO. 7160 OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991 BY ADDING SECTION 410 (C-1) ON CHAPTER VII (KATARUNGANG PAMBARANGAY) IN PROVIDING PENALTIES IN VIOLATION OF OFFICIAL DUTY UNDER SECTION 410 (b) and (c) THEREOF

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

SECTION 1. CHAPTER VII entitled "Katarungang Pambarangay" provided in R.A. 7160, otherwise known as the Local Government Code of 1991, shall be added the provision as follows:

Section 410 (C-1). Omission of Conciliation Proceedings by Barangay Officials and Other Acts – the Lupon Chairman, the Pangkat Secretary, the individual members of the Lupon, or any Barangay Official charged with the duty of initiating, conducting, or hearing the mediation, conciliation, or arbitration proceedings shall, upon conviction, be punished by a fine of not less than one thousand pesos (P1,000.00) nor more than five thousand pesos (P5,000.00), or by imprisonment of not less than one (1) month nor more than six (6) months, or both such fine and imprisonment, at the discretion of the court, when there is the willful, intentional, or negligent failure to perform any of the following duty as follows:

- (a) To issue or cause to summon the parties for mediation proceedings, or to constitute the Pangkat in accordance with the provision of Chapter VII of the Local Government Code;
- (b) By allowing or causing to lapse the 60-day period of interruption of the prescriptive period of offenses as provided for in Section 410 (c) without the issuance of the Certification to File Action after demand in writing is made by the complainant or any aggrieved party;

Provided further, that the criminal penalty under this provision is without prejudice to the imposition of administrative sanctions by any other duly constituted authority pursuant to other applicable laws.

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SECTION 2. Separability Clause. – If any provision of this Act is declared invalid or unconstitutional, other provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 3. Repealing Clause. – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with any provision of this Act as hereby amended or modified accordinally.

SECTION 4. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,