



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Seventeenth Congress
Second Regular Session

HOUSE BILL NO. 6434

Introduced by Honorable Luisa Lloren Cuaresma

EXPLANATORY NOTE

Republic Act No. 7160, particularly Chapter VII (Sections 399 until 522) provides for the Katarungang Pambarangay which is an effective mechanism to settle disputes at the Barangay level and avoiding resort to courts. By requiring prior conciliation proceedings at the Lupon before a case can be filed, the Katarungang Pambarangay system has resolved more conflicts in a faster and inexpensive way. However, there are some improvements in the law that need to be introduced to maximize the benefits of the Katarungang Pambarangay system.

Particularly, there is a need to amend Section 408 of RA 7160 to expand the classes of disputes covered by the Katarungang Pambarangay to avoid unnecessary court litigation.

Section 408 of RA 7160 provides:

“Section 408. Subject Matter for Amicable Settlement; Exception Thereto.

- 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) 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;
- (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.

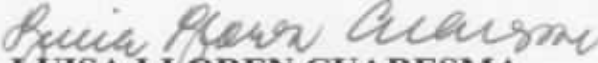
The court in which non-criminal cases not falling within the authority of the lupon under this Code are filed may, at any time before trial motu proprio refer the case to the lupon concerned for amicable settlement."

As can be observed, paragraph (c) of Section 408 exempts criminal offenses punishable by imprisonment exceeding one (1) year or a fine exceeding Five thousand pesos (P5,000.00) from the coverage of the Katarungang Pambarangay. This means that if the criminal case to be filed involves a penalty of more than one year imprisonment such as Grave Oral Defamation or Grave Coercion, both punished under the Revised Penal Code, a Certificate to File Action from the Lupon is no longer required.

Since the penalty for the crimes stated above do not exceed four years two months and one day, such crimes are also exempt from Preliminary Investigation by the Prosecutors Office. Hence, such cases may be filed directly with the Courts without going through the Barangay Lupon or Preliminary Investigation by the Office of the Prosecutor. This will result in the clogging of Court dockets without giving the parties a chance to amicably settle their differences at the level of the Lupon or the Prosecutors Office.

To reconcile this problem, there is a need to amend paragraph (c) of Section 408 of RA 7160 to broaden the classes of criminal offenses that are required to pass thru the Lupon to avoid needless litigation in Court. It is proposed that all criminal offenses that do not require Preliminary Investigation, or those where the maximum imposable penalty does not exceed four (4) years and two (2) months of imprisonment, must be subjected to the Katarungang Pambarangay process.

With this, support for this measure is earnestly sought.


LUISA LLOREN CUARESMA



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**AN AMENDING SECTION 408 OF REPUBLIC ACT NO. 9160,
OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991
TO EXPAND THE CLASSES OF OFFENSES COVERED BY THE
KATARUNGANG PAMBARANGAY.**

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

Section 1. – Section 408 of Republic Act 7160 is hereby amended to read as
follows:

“Section 408. Subject Matter for Amicable Settlement; Exception Thereto.

- 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 four (4) years and two
(2) months, or a fine exceeding Ten thousand pesos (P10,000.00);

(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;

(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. 2. *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 is hereby amended or modified accordingly.

SEC. 3. *Effectivity Clause.* - This Act shall take fifteen (15) days following its publication in the *official Gazette* or in at least two (2) newspaper of general circulation.