



## The Experience on Barangay Wakas South, Pilar, Bataan in Administering the Katarungan Pambarangay as a Rural Peace Building Tool

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**Abstract:** The *Katarungan Pambarangay* (Barangay Justice System) is a mechanism of rural peace building tool in a community. *Katarungan Pambarangay* (Barangay Justice System) was establish as a way of decongesting the courts of dockets of cases being filed in them. It is also a time-honored tradition of amicably settling disputes among family and barangay members at the barangay level without judicial resources. The researchers seek to answer this question, “through the experiences of the *Lupong Tagapamayapa* (Peace-making Council), how does the *Katarungan Pambarangay* (Barangay Justice System) function to contribute rural peace building tool of Barangay Wakas South, Pilar, Bataan?” This research is a qualitative research that utilized the logbook of cases filed in the barangay hall and the researchers also interviewed members of *Katarungan Pambarangay* (Barangay Justice System) and residents from Brgy. Wakas South of the Municipality of Pilar, Bataan. Ethical principles were followed and implemented on the conduct of this research. The findings of the study show the *Katarungan Pambarangay* (Barangay Justice System) was established for a peaceful and harmonious resolution of conflicts within the barangay. That this *Katarungan Pambarangay* (Barangay Justice System) is composed of the three (3) components, namely: *Lupong Tagapamayapa* (Peace-making Council), *Pangkat ng Tagapagsundo* (Conciliation Panel), and Legal Advisers. Of the 72 cases filed on the span of this study, 68 cases were settled amicable by the warring parties. The members of the *Katarungan Pambarangay* (Barangay Justice System) encountered these following problems: the lack training in the technical know, lack of supervision system, and lack of cooperation from either party. Overall, the *Katarungan Pambarangay* or the Barangay Justice System is beneficial to the community for it preserves of relationship among neighbors, it gives faster resolution to the problems, it is economically beneficial, and it offers practical agreements between warring parties.

**Keywords:** katarungan pambarangay, alternative dispute resolution, mediation, peace building tool, communal peace

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### I. INTRODUCTION

The Alternative Dispute Resolution (ADR) are mechanisms of solving disputes or/and conflicts between parties without recourse to the courts. The methods used in the ADR processes



include mediation, negotiation and wherever possible reconciliation. Through ADR, the conflicting parties are brought together to dialogue and agree on a voluntary basis in order to forge a way forward. The focus of ADR mechanisms is for now primarily on civil cases (Sheria, 2017). The Barangay Justice System or Katarungang Pambarangay is the preferred ADR among Filipinos. It is a preferred option for mediation among Filipinos in a barangay level. The Katarungang Pambarangay is a method for the amicable settlement of disputes at the barangay level. The main purpose of this method is to promote fast and effective administration of disputes and to decongest the local courts of conciliable criminal and civil cases. Philippine local courts are severely crowded (Mohammed & Caingat, 2017). The perception of this crisis in the civil justice system had been the perception of some Filipinos that a “justice delayed is a justice denied.”

Further, Mohammed & Caingat (2017) mentions that Katarungang Pambarangay is an administrative body at the barangay level where community members may resolve their differences without going to courts, and therefore preventing the lengthy and expensive process of settling disputes before the court.

Promoting amicable settlement at the local level is an alternative mechanism adopted to expedite the resolution of cases filed by disputing parties at the local level. This is also used an option to reduce the thousands of cases filed in the Philippine regular courts which are unattended and seemed to be dormant. The lack of court judges and inability of the disputing parties to pay the lucrative lawyers' fees are the common reasons used to explain the slow pace of justice in the Philippine justice system (Sam and Abubakar-Sam, 2014).

Community is considered as something intangible, in which everyone wanted to belong. The community secures our wellbeing, security and knowledge. However, it also has a coercive and repressive function which clashes with individual freedoms, since being part of a community involves compromising and complying with the rules of that community. Community conflicts arise when the customs and rules of a particular group or community do not permit individuals to pursue their own needs and interests (Carrasco, 2016). Conflicts may also happen between two members of the community.

The ‘community’ has often proven to be resilient in such contexts, providing survival and coping mechanisms for insecurity and fragility. Experience has shown that even in areas of sheer desolation, social life and organizational systems can readily re-emerge within community

networks (Pouligny, 2005). Growing attention has been paid in recent years to the adoption of community-based approaches to help address the extensive needs in conflict-affected and fragile contexts.

Community-based approaches to peace building seek to empower local community groups and institutions by giving the community direct control over investment decisions, project planning, execution and monitoring, through a process that emphasizes inclusive participation and management. The basic premise for demand-led approaches is that local communities are better placed to identify their shared needs and the actions necessary to meet them. The community-based approach has been adopted in fragile and conflict-affected societies. It can be an effective approach to peacebuilding.

## **II. METHODOLOGY**

The researchers utilized the qualitative research method of investigating the Katarungan Pambarangay as a mechanism in implementing the rural peace building tool of Wakas South Pilar, Bataan. Since it was a qualitative research design, the researchers involved the collection and analysis of data based on written, verbal, and visual content (Brancati, 2018). The phenomenological research design was used in this study. The researchers used the combination of interviews, reading documents, watching videos, or visiting places and events in order to understand the meaning of Katarungan Pambarangay.

In order to obtaining the in-depth data on the experience of Barangay Wakas South, Pilar, Bataan in administering the Katarungan Pambarangay as a rural peace building tool, the researchers used the documentary analysis and interview approach.

The researchers explored and evaluated documents and textual materials produced by the barangay about the cases settled through Katarungan Pambarangay, hence, the documentary analysis approach was employed. Cases logged from July 2018 to February 2020 were analyzed and studied. The researchers started analyzing the data in July of 2018 since it is the beginning of the incumbent barangay officials' terms. In support, an interview was used to gather supporting data. A semi structured questionnaire was adopted to accommodate follow -up questions related to the study. It availed the content validity test to ensure validity of interview questions and protocol. Two experts were consulted to validate the questionnaire.

In addition, the study used the Non-random sampling technique specifically the Convenience sampling. Lavrakas (2008) considers it as a type of nonprobability sampling in which respondents are sampled simply because they are "convenient" sources of data for the researchers. The 15 barangay officials of the Barangay Wakas South, Pilar, Bataan were selected because of convenience and their proximity to the researchers.

### III. RESULTS AND DISCUSSION

#### A. *The purpose and objectives of Katarungang Pambarangay (Barangay Justice System)*

The Presidential Decree number 1508 signed into law by then President Ferdinand E. Marcos in June 11, 1978, is the precursor of the present law that form the *Katarungan Pambarangay* (Barangay Justice System). To restate the opening paragraph, a “*time-honored tradition of amicably settling disputes among family and barangay members at the barangay level without judicial resources would promote the speedy administration of justice and implement the constitutional mandate to preserve and develop Filipino culture and to strengthen the family as a basic social institution* (PD 1508, 1978).” It is on this law that it formed an institution that will settle disputes at the *barangay* level. The purpose of a barangay justice is a peaceful and harmonious resolution of conflicts within the barangay instead of tedious and long proceedings in the courts. Eventually will lead to cases congestion in courts.

Peaceful settlement of disputes among the family and barangay members without going to the courts “is a time- honored tradition in the Philippines and is at the root of a Filipino culture (Austral, 2012).”

Additionally, this law was created for it believed in the communal harmony, peace and order, and cooperation in the barangay level (Martinez, n.d.).

The objectives of *Katarungang Pambarangay* (Barangay Justice System) can be traced back to the original law that created it. On the research conducted by Mohammed and Caingat (2017) have enumerated four objectives of the *Katarungang Pambarangay* (Barangay Justice System). These are: the promotion of speedy administration of justice; minimization of indiscriminate filing of cases in courts; minimization of congestion of court dockets to enhance the quality of justice dispensed by the courts; and, the perpetuation and recognition of time-

honored tradition of amicably settling disputes at the community level. This legislation paved the way for the creation of the Barangay Justice System or *Katarungang Pambarangay* (Barangay Justice System) in the Philippines.

On the other hand, the notes of Martinez (n.d.) during the training-workshop on mediation, the *Katarungang Pambarangay* (Barangay Justice System) system is designed to achieve the following objectives: to obtain a just, speedy and inexpensive settlement of disputes at the *barangay* level; to preserve Filipino culture and traditions concerning the amicable settlement of disputes; and to relieve the courts of docket congestion and thereby enhance the quality of justice dispensed by them.

Additionally, *Katarungang Pambarangay* (Barangay Justice System) was created on this objective, to address inequalities in access to justice, particularly experienced by the marginalized communities (Vigo and Manuel, 2004). As a community-based justice system, it provides a friendly, inexpensive and speedy resolution of the case. Where parties involved are free to find ways on how to resolve their disputes without hiring a lawyer.

#### *B. The structures of Katarungan Pambarangay (Barangay Justice System)*

The *barangay* justice system is not part of the judicial system. But the Judiciary recognizes that strengthening the grassroot structure will definitely have positive effects in the administration of justice as it may help unclog court dockets. According to an associate justice of the Supreme Court, it should be the duty of every judge in the trial courts to help strengthen the *barangay* justice system. The local courts can initiate public education and information programs on how the *barangay* system works and provide opportunities for continuing education for *Lupon* (council) and *Pangkat* (panel) officials.

Within fifteen (15) days from the start of his term, the Punong Barangay should form the *lupon* (council) which would constitution the *Katarungan Pambarangay* (Barangay Justice System). The notices of those names for the proposed members of the *lupon* (council), will be posted in three (3) different conspicuous places in the barangay for a period of not more than three (3) weeks (Austral, 2012).

The *Punong Barangay* as the duly elected leader of the barangay, is the primary implementor of the *Katarungan Pambarangay* (Barangay Justice System). In his role as an acknowledged leader of the community, the *Punong Barangay* is expected to represent all the people in performing the administrative duties as outlined under the *Katarungan Pambarangay* (Barangay Justice System) Law (RA 7160).

The *Katarungan Pambarangay* (Barangay Justice System) is composed of the three (3) components, namely: *Lupong Tagapamayapa* (Peace-making Council), *Pangkat ng Tagapagsundo* (Conciliation Panel), and Legal Advisers.

In Barangay Wakas South of Pilar, Bataan, the members of the *Lupong Tagapamayapa* (Peace-making Council) is composed of the *Punong Barangay* (Barangay Chairperson), seven members (7) of the incumbent *barangay kagawad* (barangay councilor), and additional five (5) members of the community who were appointed by the *Punong Barangay* (Barangay Chairperson). A total of thirteen (13) members of the *Lupong Tagapamayapa* (Peace-making Council). These members of the *Lupong Tagapamayapa* (Peace-making Council) were selected by the *Punong Barangay* (Barangay Chairperson), because they possess integrity, impartiality, independence of mind, sense of fairness, and reputation for probity (Austral, 2012).

The *Pangkat ng Tagapagsundo* (Conciliation Panel) is the conciliation panel of the *Katarungan Pambarangay* (Barangay Justice System). When the *Punong Barangay* is unable to settle a dispute brought to his office. He will refer the case to a panel of three *Lupon* (council) members (the *Pangkat* or panel) for conciliation or arbitration. The three (3) members of the *Pangkat* (Panel) are selected from the *Lupon Tagapamayaap* (Peace-making Council). And from these three (3) members they will select Chairman of the *Lupon* (council) and the *Lupon* (council) secretary. In the event that there will be disagreement, the position for the chairman and secretary can be chosen by lot (Austral 2012).

The third component of the *Katarungan Pambarangay* (Barangay Justice System) is the Legal Advisers. The Legal Advisers shall only render legal advice when matters involving questions of law necessary in the administration of the *Katarungan Pambarangay* (Barangay Justice System). The Legal Advisers are composed by the Provincial legal officer, City legal officer, Municipal legal officer and the Public Prosecutor.



*C. Cases assisted by Katarungan Pambarangay (Barangay Justice System)*

Table 2 shows the different cases filed in Barangay Wakas South, Pilar, Bataan from July 2018 to February 2020. A total of 72 different cases were filed from July 2018 to February 2020. These cases filed were collections of debts and rentals, vehicular accidents, alcohol intoxication, shouting, marital relations, slander/oral defamation/unjust vexation, sale and pawning of properties, dog bite, stinky surroundings, and breach of contract.

As seen in Table 2 the collections of debts and rentals is the top filed cases in the barangay with 31 cases. Three of these cases were collection of house rentals. This happen when the tenant failed to pay its rent for two (2) consecutive months the homeowner will immediately file a case in the barangay.

**Table 2.** Cases filed and was assisted in Barangay Wakas South, Pilar, Bataan from July 2018 to February 2020

Types of Cases	Frequency	Percentage	Rank
Collections of debts and rentals	31	43.06	1
Vehicular accidents	4	5.56	3
Alcohol intoxication	1	1.39	9
Shouting	1	1.39	9
Marital relations	2	2.78	7
Slander/Oral defamation/Unjust vexation	23	31.94	2
Sale and pawning of properties	3	4.17	5
Dog bite	1	1.39	9
Stinky surroundings	3	4.17	5
Breach of contract	3	4.17	5
<b>TOTAL</b>	<b>72</b>	<b>100</b>	

Another prominent case being brought to the barangay is the “slander/oral defamation/unjust vexation.” It has a record of 23 cases for the period of July 2018 to February 2020. Example of this, is posting in the Facebook an unverified account of a neighbor, specifically, “*si Juan (not his true name) ay may babae sa ibang barangay* (Juan has a mistress in another village).”

The rest of the cases were petty cases. Of these cases only a few were elevated in Municipal Trial court. Examples of these are the vehicular accident (1), marital problem (1), collection debt (3) and slander (1). While the rest of the cases were amicably settled by the complainants and the



respondents. And this goes to show that the *Katarungan Pambarangay* (Barangay Justice System) is an effective tool to provide a more systematic approach for amicable settlement of disputing parties at the barangay level (Sam *et al.*, 2013).

Of the 72 cases filed, 68 cases were settled amicable by the warring parties. The four (4) case were given Certificate to File Action, in other words, the complainant may now file a case court or government office.

#### *D. Problems encountered in administering the Katarungan Pambarangay (Barangay Justice System)*

Common problems that the *Lupong Tagapamayapa* (Peace-making council) encountered in implementing the *Katarungan Pambarangay* (Barangay Justice System) that emerged from the interview is the lack of technical know, lack of supervision system, and lack of cooperation from either party.

The technical know-how is very much important in the administration of the mediation process. It is from the skill of the *Lupong Tagapamayapa* (Peace-making Council) that will make the disputants find a feasible solution and therefore making peace possible. In a response from the interview one member from the *lupon* (council) had said, “*dapat talaga ay tuloy-tuloy ang pagsasanay sa amin mga lupon (council) para matuto kami sa iba’t ibang mga pamamaraan para mamagitan sa pagtatalo ng dalawang magkapitbahay* (it is really necessary that we should have a constant training on the different modes of handling disputes).” According to Amoh (2007) “process of mediation provides the disputants the opportunity to find solutions to their own conflicts. The process therefore ensures acceptance of the outcome by both parties, thereby enhancing sustainable peace”.

The problem on the supervision system is another issue encountered in the implementation of the *Katarungan Pambarangay* (Barangay Justice System). The *barangay* should have a “strict monitoring systems as part of their paralegal programmes (Rojo, 2002), but this is not a case in most barangay. Mohammed and Caingat (2017) reports that there is some barangay that has difficulty in tracking or contacting the respondent, as one member of the *lupon* (council) shared, “*kadalasan mahirap hagilapin ang mga nirereklamo, at kung minsan pati ang nagrereklamo ay*



*mahirap din makita* (most of the times, the complainees were difficult to locate, but there are times also that even the complainant is nowhere to be found).”

Another problem encountered by the barangay is the lack of cooperation from either party. Example of which the non-compliance of the respondent regarding the summon given to them. One *lupon* (council) member encountered this problem, “*may mga pagkakataon na ang mga nirereklamo at ang nagrereklamo ay di tumutupad sa napagkasunduan* (there are times that both the complantee and the complainant do not comply to the agreed resolution).”

*E. The contribution of Katarungan Pambarangay (Barangay Justice System) in maintaining peace and order in Barangay Wakas South, Pilar, Bataan.*

The interview conducted to the residents of Brgy. Wakas South, Pilar, Bataan, it yielded four (4) themes that it talks on the benefits of *Katarungan Pambarangay* or the Barangay Justice System. And these are:

*Preservation of relationship.* Any conflicts that arises may result to tainted relationship between both parties. Through the *Katarungan Pambarangay* (Barangay Justice System), it helps both conflicting parties focus on resolving their differences effectively with each other and coming to a negotiated settlement that works for all involved. In one interview, “*itong Katarungan Pambarangay ay nakatulong sa akin at sa kapitbahay ko na magkaruon ng resoluyon sa aming hinde pagkakaunawaan. At tumibay pa ang pagsasamahan namin. (the Barangay Justice System helped me and my neighbor resolve issues between us. And because of these, we became buddies).*”

*Faster resolution of problems.* Through the *Katarungan Pambarangay* (Barangay Justice System) there is a faster resolution to a problem. Not like in a litigated case in courts that it takes years to be resolve. Through the *Katarungan Pambarangay* (Barangay Justice System), cases brought to them are often resolved in a few months (sometimes less) because mediation is an inherently efficient process. And the *Katarungan Pambarangay* (Barangay Justice System) also helped in decongesting court cases because conflicts of the both parties are already resolve in the barangay level. According to Shiela, a resident, “*kung sa korte ay dalawa o tatlong hearing lang sa isang taon, dito sa Katarungan Pambarangay, mahaba na ang tatlong buwan para hinde maresolba ang problema (if it takes two to three days litigation in the courts, here in Barangay Justice System, three months is the most length to resolve a case).*”

*Economically beneficial.* Filing cases in courts is generally very expensive and the overall costs can be highly unpredictable. Settling disputes in the *barangay* level through the *Katarungan Pambarangay* (Barangay Justice System), makes it faster and much cheaper than going to trial (Shavel, 1995). In an interview, Nanding said, “*ang pagkuha ng abogado at pagpanalo sa kaso ay gagastos tayo ng Malaki, dito nalang tayo sa Katarungan Pambarangay wala tayong gagastusin (to hire a lawyer a to ensure a favorable decision from the judge, it takes to spend a lot. Here in the Barangay Justice System, we will never spend a centavo).*”

*Practical Agreements.* Since disputes between neighbors are settled in the *Katarungan Pambarangay* (Barangay Justice System), agreements between parties can be tailored to their needs. According to Joseph, a resident, “*dito sa Katarungan Pambarangay, ang mga napagkakasunduan namin ay ayon lang sa kakayahan at pangangailangan namin* (in the Barangay Justice System, the agreements are agreed according to are means and needs).”

#### IV. CONCLUSION AND RECOMMENDATIONS

The findings of the study show the *Katarungan Pambarangay* (Barangay Justice System) was established as a peaceful and harmonious resolution of conflicts within the *barangay*. That this *Katarungan Pambarangay* (Barangay Justice System) is composed of the three (3) components, namely: *Lupong Tagapamayapa* (Peace-making Council), *Pangkat ng Tagapagsundo* (Conciliation Panel), and Legal Advisers. Of the 72 cases filed on the span of this study, 68 cases were settled amicable by the warring parties. The members of the *Katarungan Pambarangay* (Barangay Justice System) encountered these following problems: the lack training in the technical know, lack of supervision system, and lack of cooperation from either party. Overall, the *Katarungan Pambarangay* or the *Barangay Justice System* is beneficial to the community for it preserves of relationship among neighbors, it gives faster resolution to the problems, it is economically beneficial, and it offers practical agreements between warring parties.

The following suggestions can promote better and more conclusive outcome of this study.

1. The national government should revisit the law in the implementation of the *Katarungan Pambarangay* in order to enhance the Alternative Dispute Resolution.



2. The barangay level government should appoint members of the *Katarungan Pambarangay* with having a reputation in the community.
3. The local government should have a program for trainings, seminars, workshop and mentoring to the members of the *Katarungan Pambarangay* in order to hone the skills of its members in implementing peaceful relationships in their community.
4. The national government down to the municipal government should take part in addressing the needs of the *Katarungan Pambarangay* for greater success

## V. LITERATURE CITED

- [1] Amoh, George. (2007). Mediation -the preferred alternative for conflict resolution. Retrieved from <http://www.gdrc.org/u-gov/conflict-amoh.html>.
- [2] Brancati, Dawn. 2019. Social scientific research. London: SAGE Publications Inc.
- [3] Carrasco, Marta Blanco. 2016. Community mediation: a tool for citizen participation in public policy. *Social work and society international online journal*, Vol. 14, No. 1. Accessed from <https://www.socwork.net/sws/article/view/465/860>. Accessed on November 29, 2019.
- [4] Martinez, Antonio. (n.d.). Community Involvement in The Courts. [https://www.unafei.or.jp/activities/pdf/joint Philippines/topic3.pdf](https://www.unafei.or.jp/activities/pdf/joint%20Philippines/topic3.pdf). Accessed on March 1, 2020.
- [5] Mohammed, Murphy P. and Caingat, Nicanor C. 2017. Barangay Justice System in Barangay Matatalaib, Tarlac City: An Evaluation. Working papers 2017-03-21, Voice of Research. Accessed from <https://ideas.repec.org/p/vor/issues/2017-03-21.html>. Accessed in November 29, 2019.
- [6] Sheria, Kitui Cha. 2017. Alternative Justice Systems (AJS) Piloting in Endebess. Retrieved from <http://kituochasheria.or.ke/alternative-justice-systems-endebess/>
- [7] Steiner, Achim. 2009. From conflict to peacebuilding: the role of natural resources and the environment. Kenya: United Nations Environment Programme. Accessed from [https://postconflict.unep.ch/publications/pcdmb\\_policy\\_01.pdf](https://postconflict.unep.ch/publications/pcdmb_policy_01.pdf). Retrieved on November 29, 2019.
- [8] Webel, Charles and Galtung, Johan. 2007. Handbook of Peace and Conflict Studies. New York: Taylor & Francis.
- [9] Yanow, Dvora and Schwartz-Shea, Peregrine. 2006. Interpretation and Method Empirical Research Methods and the Interpretive Turn. New York: M.E. Sharpe, Inc.
- [10] Zelius, Rolf (CCO). 2002. Indigenous Peoples/Ethnic Minorities and Poverty Reduction Philippines. Manila: Asian Development Bank