

THE IMPLEMENTATION OF KATARUNGANG PAMBARANGAY JUDICIAL SERVICE SYSTEM IN MANDALUYONG CITY: BASIS FOR POLICY RECOMMENDATION

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ABSTRACT

Katarungang Pambarangay is the process to keep the community intact and to improve access to justice for the poor. This study purported to analyse the effectiveness of the Katarungang Pambarangay in Old Zaniga and Barangka Ilaya of Mandaluyong City in the disposition of cases that were filed from 2015 to 2016. The respondents of the study were the 20 Lupon tagapamayapa and secretaries of the offices of barangays Barangka Ilaya and Old Zaniga of Mandaluyong City.

The approaches include qualitative analysis of data generated from documents particularly the Lupon Tagapamayapa report on case filed, actions taken and problems encountered in the implementation of Katarungang Pambarangay Judicial Service System (KPJSS), a focus group discussion (FGD) was conducted among Baranggay Captain and Lupon members in Barangka Ilaya and Old Zaniga and the data collected was evaluated using percentage and weighted mean. It also used a 5-point Likert scale to determine the extent of effectiveness of the implementation of KPJSS in terms of the nature of cases in Barangay Barangka Ilaya for 2015 to 2016.

The findings of the study revealed, it is encourage continuing intensified information dissemination on the basics of the Law on dispute settlements to arouse peoples' consciousness on the intentions, objectives of the law – triggering and motivating them to realize its importance and render civic duty. Moreover, The Local Government should provide an in service – training among Lupon members to be more effective in handling disputes among the complainants in Mandaluyong City. Finally, the Department of Interior and Local Government should look into the improvement of dispute settlements and the updating of existing system's policies of Local Government Code of 1991 in providing a more effective and efficient in delivering speedier and quality justice through non- adversarial for the security and welfare of the community.

Keywords: Effectiveness, Katarungang Pambarangay, Lupon Member, Local Government Code of 1991

Introduction

As observed in the Philippine Court system, there were overload and backlog that need for a judicial reform that affects especially the poor who are seeking for alternative dispute resolution (ADR) to address their issues and problems. Thus, the Congress was discussing an alternative Dispute Resolution to achieve speedy trial, impartiality and non-adversarial justice which engage active private sector participation in the administration of justice. The Barangay Justice System (BJS) or the Katarungang Pambarangay (KP) was institutionalized through Presidential Decree 1508, promulgated in 1978, and the Local Government Code of 1991 as a strategy for improving and making the justice system more responsive to the needs of communities. This is also the result of a challenging devolution of powers and functions from the central government to the barangays, and represents the only decentralized justice program that has been legally and politically recognized.

Katarungang Pambarangay is a highly structured grass-roots community mediation process seeking for quality justice by reducing congested court dockets. The unique characteristics of Katarungang Pambarangay among other nation can be classified into three aspects: It utilizes three mediators, whereas most mediation relies upon one (Gill Marvel P. Tabucanon, 2008).

On the other hand, the establishment of Katarungang Pambarangay Judicial Service System (KBJSS), due to the following reasons: Human failings in administering the judicial system such as judges, lawyer-advocates, court personnel, prosecutors, sheriffs, defense counsel, process servers, and others connected to or with the system. Delayed resolution of cases emanates from inefficiency, incompetence, sloth or laziness, corruption or conflict of interests of these officials; Constitutional requirements of due process of law also cause judicial delays (Tadiar, Alfredo, 1999).

In the implementation of barangay Judicial Service System (BJSS) in the community, every citizen has the right to avail himself/herself of the services of the Lupon and with the support of Barangay Captain to resolve the issues or conflict among the complainants (Gerry Roxas Foundation, 1999). Based on the 2015 census of population the City of Mandaluyong was considered as the second fastest growing Highly Urbanized City (HUC) in the National Capital Region, there is a need to maintain peace and order to attract businesses and to preserve the quality of life of the local residents.

Since one of the roles of Katarungang Pambarangay is the process to keep the community intact and to improve access to justice for the poor in a less expensive litigation. Thus, the researcher endeavored to analyse the disposition cases for the two (2) barangays in Mandaluyong City that were filed from 2015 – 2016.

Statement of the Problem

This study purposed to analyse the effectiveness of the Katarungang Pambarangay of Old Zanziga and, Barangka Ilaya Mandaluyong City in the disposition of cases that were filed from 2015 to 2016.

Specifically, the study was guided of the following research questions.

1. What are the prevalent cases filed in the Katarungang Pambarangay in Old Zaniga and Barangka Ilaya in 2015 to 2016 that categorized in terms of:

1.1. Criminal;

1.2. Civil

2. What is the nature of action taken of the Lupon members in Old Zaniga and Barangka Ilaya in the disposition of cases filed from 2015 – 2016 in terms of??

- 2.1. Closed;
- 2.2. On - Going
- 2.3. Pending Case
- 2.4. Filed in Court
- 2.5. Dismissed
- 2.6. Settled
- 2.7. Mediated

3. What is the extent of effectiveness of the implementation of KPISS in terms of the actions taken in the cases in Old Zamiga and Barangka Ilaya, Mandaluyong City in the disposition of cases filed from 2015 to 2016 in terms of?

- 3.1. Closed;
- 3.2. On - Going
- 3.3. Pending Case
- 3.4. Filed in Court
- 3.5. Dismissed
- 3.6. Settled
- 3.7. Mediated

4. What are the challenges encountered by the Katarungan Pambarangay in the implementation of the program in terms of?

- 4.1. Judicial procedure
- 4.2. Human competency, and
- 4.3. Budget

4.4. average numbers of months in resolving cases

5. What intervention strategies maybe forwarded for a more effective implementation of the Katarungang Pambarangay program?

Research Method Used

This study utilized the descriptive method of research. This method is the most appropriate one to describe the current conditions, practices and disposition of the Lupon Tagapamayapa (conciliation committee) in settling cases.

The approaches include qualitative analysis and interpretation of data generated from documents of Lupon Tagapamayapa reports of case filed, actions taken and problems encountered of Katarungang Pambarangay (KP) implementation in Barangay Barangka Ilaya and Old Zamiga during the years 2015- 2016. Likewise, it also used quantitative analysis through Focus Group Discussion (FGD) with the Lupon members and staff of barangay offices.

Description of the Respondents

The respondents of the study were the 20 Lupon tagapamayapa and secretaries of the offices of barangays Barangka Ilaya and Old Zamiga of Mandaluyong City. Whom all were

available at the time of the field visit, a focus group discussion (FGD) was conducted among Barangay Captain and Lupon members. FGDs were preferred to that one – on – one interviews as there simultaneous validation and checking of documents gathered for two barangays.

Data Gathering Procedure

In order to examine the implementation of Katarungang Pambarangay Judicial Service System (KPJSS) in Mandaluyong City, the researcher distributed letters asking for permission to collect

data, addressed to the barangay offices that possess pertinent data. The researchers then waited for their confirmation in collecting the available data and critically analysed the data gathered.

Statistical Treatment of Data

The data gathered from the barangay office were analysed and interpreted. The data were treated using the following statistical tools:

1. Percentage (%)

Percentage is a part of a whole expressed in hundredths. This was used to determine the demographic profile of the respondents in terms of gender, age, civil status and educational attainment. This was also used to determine the number of cases that was pending, ongoing, closed, dismissed and filed on court. The formula is:

$$\% = F/N \times 100$$

Where

% = is the computed percentage;

F = is the frequency or number of cases; and

N = is the total number of cases.

2. Weighted Mean

Weighted average is an average in which each observation in the data set is assigned or multiplied by a weight before summing to a single average value. This statistical treatment was applied to determine the extent of effectiveness of the implementation of KPISS in Mandaluyong City using the following formula:

$$\bar{X} = \frac{\sum fx}{n}$$

Where

\bar{X} = mean value

$\sum fx$ = summation of frequency times weighted value

n = number of cases

3. Likert Scale

Allikert Scale is a type of rating scale used to measure attitudes or opinions. It was used to interpret the over-all extent of effectiveness of the implementation of KPISS in Mandaluyong City.

Weighted Mean	Interpretation
1.00-1.80	Not Effective
1.81-2.60	Slightly Effective
2.61-3.40	Moderately Effective
3.41-4.20	Effective
4.21-5.00	Very Effective

RESULTS AND DISCUSSIONS

Table 1
Distribution of Respondents by Gender, Age, Civil Status, And
Educational Attainment

Profile of the Respondents	Frequency (20)	Percentage
Gender		
Male	10	50%
Female	10	50%
Age		
16 to 20	0	0%
21 to 30	0	0%
31 to 40	8	40%
41 to 50	10	50%
51 & above	2	10%
Civil Status		
Single	3	15%
Married	12	60%
Widowed	5	25%
No response	0	0%
Educational Attainment		
Elementary	0	0%
High School	0	0%
College	6	30%
Postgraduate	14	70%

Table 1 shows the distribution of respondents according to gender, age, civil status and educational attainment.

In terms of gender, it shows that both genders were distributed equally having frequencies of 10 or 50% respectively.

In terms of age, majority (10) or 50% of the respondents' age was between 41 to 50 years old; 8 or 40% of the respondents' age was between 31 to 40 years old; while only 2 or 10% of the respondents' age were 51 years and above. No respondents came from the age group of 16 to 20 and 21 to 30 years respectively.

In terms of civil status, majority (12) or 60% of the respondents was married; 5 or 25% of the respondents was widowed and 3 or 15% of the respondents was single.

In terms of educational attainment, majority (14) or 70% of the respondents were postgraduate while 6 or 30% of the respondents were college graduates. No respondents were elementary and high school graduates respectively.

Closer scrutiny of the data presented in the table majority of the respondents is college graduate. It shows educational attainment was given preference by the barangay captain in the selection and appointment of Lupon members.

PROBLEM # 1

Table 2. The prevalent cases filed in the Katarungang Pambarangay in Barangka Ilaya for C.Y. 2015 to 2016 that categorized in terms of: Criminal and Civil.

Nature of Cases	Nature of Cases in Brgay Ilaya C.Y. 2015		Nature of Cases in Brgay Ilaya C.Y. 2016	
	Frequency (F)	Percentage (P)	Frequency (F)	Percentage (P)
Criminal	56	64.37%	48	51.61%
Civil	31	35.63%	45	48.39%
Total	87	100%	93	100%

As shown in the table, 56 or 64.37% of the cases were criminal cases while 31 or 35.63% of the cases were civil cases. The total number of cases for 2015 was 87 cases. It could be seen that there were more criminal cases as compared to those of the civil cases.

As shown on the table, 48 or 51.61% of the cases were criminal cases while 45 or 48.39% of the cases were civil cases. The total number of cases for 2016 was 93 cases. The common cases elevated in Barangay Lupon were physical injury, threats, theft, oral defamation and collecting of debts.

Table 3. The prevalent cases filed in the Katarungang Pambarangay in Old Zaniga in 2015 to 2016 that categorized in terms of: Criminal and Civil.

Nature of Cases	Nature of Cases in Brgy. Old Zaniga C.Y. 2015		Nature of Cases in Brgy Old Zaniga C.Y. 2016	
	Frequency (F)	Percentage (P)	Frequency (F)	Percentage (P)
Criminal	86	98.85%	0	0%
Civil	1	1.15%	99	100%
Total	87	100%	99	100%

As shown on the table, 86 or 98.85% of the cases were civil cases while only 1 or 1.15% of the cases were criminal case. The total number of cases for 2017 was 87 cases. Closer scrutiny of the data presented in the table would reveal that, the civil cases has a big number of cases as compared to criminal cases, due to Old Zaniga is more peaceful area in Mandaluyong City.

As shown on the table, all of the 99 cases were civil while there were no criminal cases. Obviously, the total number of cases for 2016 was 99 cases. The researcher noticed the common cases elevated in Barangay Lupon were damages to property, collection of debts, rental

PROBLEM # 1

collection and family problem.

PROBLEM #2

Table 4. The nature of action taken of the Lupon members in Barangka Ilaya in the disposition of cases filed from 2015 – 2016 in terms of Closed; On – Going; Pending Case Filed in Court and Dismissed

Action Taken	Nature of Cases in Brgy. Ilaya C.Y. 2015		Nature of Cases in Brgy Ilaya C.Y. 2016	
	Frequency (F)	Percentage (P)	Frequency (F)	Percentage (P)
Closed	28	32.18%	23	24.73%
On-Going	7	8.05%	22	23.66%
Pending	24	27.59%	18	19.35%
Filed On Court	27	31.03%	18	19.35%
Dismissed	7	8.05%	12	12.90%
Settled	1	1.15%	93	100%
Total	87	93	180	100%

Table 4 shows the nature of action taken of the Lupon members in Barangka Ilaya in the disposition of cases filed from 2015 – 2016 in terms of Closed; On – Going; Pending Case Filed in Court and Dismissed .

As of 2015, 28 or 32.18% of the cases were closed; 27 or 31.03% of the cases were filed in Court; 24 or 27.59% of the cases were pending; 7 or 8.05% of the cases were on – going; while only 1 or 1.15% of the cases was settled. The total number of cases for 2015 was 87 cases.

On the other hand, as of 2016, 23 or 24.73% of the cases were closed; 22 or 23.66% of the cases were on-going; 18 or 19.35% of the cases were both pending and filed on court; while 12 or 12.90% of the cases were dismissed. The total number of cases for 2016 was 93 cases.

The data imply, Barangay Ilaya encountered more cases because this is one of the densely populated areas in Mandaluyong City. In addition, there is lack of orientation among the complainant/local residence in filing complaints and that is the reason of several pending cases and simultaneous hearings three to four cases every day. The area is not conducive to a smooth hearing atmosphere.

Table 5. The nature of action taken of the Lupon members in Barangay Old Zaniga in the disposition of cases filed from 2015 – 2016 in terms of Closed; On – Going; Pending Case Filed in Court and Dismissed

Action Taken	Barangka Ilaya 2015-2016		Old Zaniga 2015-2016	
	Frequency (F)	Percentage (P)	Frequency (F)	Percentage (P)

Closed	77	88.51%	59	59.60%
On-Going	0	0	0	0
Pending	10	11.49%	0	0
Filed On Court	0	0	0	0

Dismissed	0	0	0	0
Mediated	0	0	40	40.40%
Total	87	100%	99	100%

Table 5 presents the nature of action taken of the Lupon members in Barangay Old Zaniga in the disposition of cases filed from 2015 – 2016 in terms of Closed, On – Going, Pending Case Filed in Court and Dismissed.

As shown in the table as of C.Y. 2015, 77 or 88.51% of the cases were closed while 100 or 111.49% of the cases were pending. The total number of cases was 87 cases.

While as of C.Y. 2016, 59 or 59.60% of the cases were closed while 40 or 40.40% of the cases were mediated. The total number of cases was 99 cases.

Moreover, based on the table in Barangay Old Zaniga are fewer cases elevated in Barangay Lupon because Barangay Tagapamayapa disseminated the information in hearing cases and conduct orientation among complainants to foster peace and order and lessen conflict among their neighbors, thus the reason for the speedy disposition of cases. In addition, majority of the local residents in Barangay Old Zaniga are well off.

PROBLEM # 3

Table 6 Extent of Effectiveness of the Implementation of KPJSS in Terms of the Actions Taken on the Cases filed in Barangka Ilaya and Old Zaniga for 2015 and 2016

Barangay	Actions Taken	WM	Interpretation
	Closed	1.80	Not Effective
	On-Going	1.75	Not Effective
	Pending	1.63	Not Effective
	Filed In Court	1.59	Not Effective
	Dismissed	1.25	Not Effective
	Settled	1.72	Not Effective
	Mediated	1.79	Not Effective
	Closed	2.55	Slightly Effective
	On-Going	2.43	Slightly Effective
	Pending	2.00	Slightly Effective
	Filed In Court	1.96	Slightly Effective
	Dismissed	1.85	Slightly Effective
	Settled	2.39	Slightly Effective
	Mediated	2.47	Slightly Effective

Table 6 shows the extent of effectiveness of the implementation of the KPJSS in terms of the actions taken on the cases in Barangka Ilaya and Old Zaniga from 2015 to 2016. As could be seen on all the actions taken on the cases in Barangka Ilaya, all the interpretations were not

effective. As could be seen on all the actions taken on the cases in Old Zaniga, all the interpretations were slightly effective.

The data imply majority of the cases are slightly effective due to there was no designated room in the Barangay especially for Lupon Hearings. Since, Barangay Barangkaallayaa is one of the densely populated areas; there were simultaneous hearings three to four cases every day wherein the area is not conducive to a smooth hearing atmosphere. In addition, there is lack of

orientation among the complainant/ local residence in filing complaints and that is the reason of several pending cases. The Lupon Tagapamayapa did not receive any incentive/ honoraria since they are absent on their work even majority of them are professional i.e., teacher, private employee etc.

PROBLEM # 4

Table 7/ The Challenges Encountered by the Katarungang Pambarangay in the Implementation of the program in terms of Judicial Procedure, Human Competency and Budget and Average Number of Months for the Katarungang Pambarangay to resolve the cases

Challenges Encountered in the Implementation of KPJSS	Barangay Ilaya	Barangay Old Zaniga
Judicial Procedure	Lack of training in supervising grievances/ conflict that brought to the barangay.	The Lupon tapapamayapa disseminating information on the process of litigation under barangay Level among the complainants and local residents of their community.
Human Competency	Majority of the Lupon Tagapapayapa are professionals.	Majority of the Lupon Tagapapayapa are professionals.
Budget	Additional financial support for the Katarungang Pambarangay operations.	Additional financial support for the Katarungang Pambarangay operations
Average Number of Months for the Katarungang Pambarangay to resolve the cases	It takes more than a month in settling disputes due to simultaneous cases every day.	In settling cases the average number of months is three weeks or less than one month.

Table 7 is the summary of the challenges encountered by the Katarungang Pambarangay in the Implementation of the program in terms of judicial procedure, human Competency and Budget. It is clearly seen, both respondents seeking for financial support for the operation of the katarungang Pambarangay and the enhancement of venue to a smooth and peaceful hearing atmosphere.

In terms of the average number of months for the Katarungang Pambarangay in resolving cases filed. Evidently, the data presented Barangka Ilaya is more than a month in settling dispute compared to Old Zaniga due to the location is one of the densely populated area in Mandaluyong City.

PROBLEM # 5

Table 8 The Intervention Strategies for a more Effective Implementation of the Katarungang

Intervention Strategies for a more effective implementation of the katarungang Pambarangay Program

1. In-service trainings for the Lupon member with emphasis on legal procedures and decision-making for settlement of disputes.
2. Providing an extension program for law students helping communities to an independent judicial procedure.
3. Additional honoraria for the Lupon members for their services in supervising conflict among the complainants.
4. Enhancement of the venue in resolving the cases to provide peace and order in the community.
5. Intensified information dissemination on the basics of the Law on dispute settlements among the local residents within the community.

Pambarangay Program

Table 8 shows the summary of the intervention strategies for a more effective implementation of the Katarungang Pambarangay program. It highlighted the deficiencies of the Local Government Units (LGUs) in the implementation of the Katarungang Pambarangay Judicial Service System thus, It high time to revised the Local Government Code of 1991 in providing a more effective and efficient in delivering speedier and quality justice through non- adversarial under Local Government Units (LGUs) for the security and welfare of the community.

CONCLUSIONS AND RECOMMENDATIONS

Both of the genders were equally distributed equally with frequencies of 10 or 50% of the population respectively. Majority of the respondents' age were 41 to 50 years old with frequency of 10 or 50% of the population. 12 or 60% of the respondents were married. Majority of the respondents were postgraduate, with frequency of 14 or 70% of the population.

In Barangka Ilaya, the common cases elevated in Barangay Lupon were physical injury, threats, theft, oral defamation and collecting of debts, while in Barangay Old Zaniga were damages to property, collection of debts, rental collection and family problem.

In the implementation of the KPIJS in terms of the actions taken on the cases in Barangka Ilaya and Old Zaniga from 2015 to 2016. As could be seen on all the actions taken on the cases in Barangka Ilaya, all the interpretations were not effective. As could be seen on all the actions taken on the cases in Old Zaniga, all the interpretations were slightly effective. The researcher noticed the following observation for the overlapping of hearing sessions: there was no designated room for Lupon Hearings for both barangay. Since, Barangay Barangka Ilaya is one of the densely populated areas that caused simultaneous hearings three to four cases every day wherein the area is not conducive to a smooth hearing atmosphere.

In addition, there is lack of orientation among the complainant/ local residence in filing complaints that caused several pending cases. In attending hearing cases, the Lupon Tagapamayapa were absent on their work or sometimes were not complete during hearing sessions but majority of them are professional i.e., teacher, private employee etc.

The researcher encourage to continuous intensified information dissemination on the basics of the Law on dispute settlements to arouse peoples' consciousness on the intentions, objectives of the law—triggering and motivating them to realize its importance and render civic duty.

On the other hand, the Local Government should provide an in service – training among Lupon Tagapamayapa to be more effective in handling disputes among the complainants in Mandaluyong City. Furthermore, the Local Government should provide a separate room during hearings and hearings among Lupon Tagapamayapa. Finally, The Department of Interior and Local Government should look into the improvement of dispute settlements and the updating of existing system's policies of Local Government Code of 1991 in providing a more effective and efficient in delivering speedier and quality justice through non-adversarial for the security and welfare of the community.

BIBLIOGRAPHY

Books & Articles

Gill Marvel P. Tabucanon, James A. Wall Jr., and Wan Yan, *Philippine Community Mediation*, Katarungang Pambarangay 2008.

Silvia Sanz – Ramos Rojo, *Philippines: Is it an Effective Alternative to Improve Access to People Justice for Disadvantaged People?* Dissertation for the MA in Governance and Development Institute of Development Studies University of Sussex, September 2002

Agra, AAC. (2000). *Local Autonomy and Administration of Justice: A Framework for Integration*. Prepared by Ateneo School of Government for the Supreme Court-United Nations Development Program Technical Assistance to the Philippine Judiciary on the Justice and Development Project, January 2000.

Tadiar, Alfredo, *Unclogging the Court Dockets*, 1999).

Gerry Roxas Foundation, *The Panay and Guimaras experience in Barangay Justice*, 2001.

Aquino, Rachel S. *Five Municipal Case Studies on the Philippine Barangay (Village) Mediation System* Mediators Network for Sustainable Peace, Inc., Philippines 2003 mediator@digitelone.com; saliksik@yahoo.com.

Laserna, Manuel J. Jr., *The “Study on the Efficacy and Efficiency of the Barangay Justice System (Katarungang Pambarangay) : Final Report “ funded by the Gerry Roxas Foundation 2002.*

Galderon, J.F. and Gonzales, E.G. *Methods of Research and Thesis Writing*, National Bookstore, 1993.

www.mandaluyong.gov.ph/