

Dullona, E. M. (2001). *Dispute processing under the Katarungang Pambarangay in La Trinidad, Benguet*. (Unpublished master's thesis). Baguio City: Baguio Colleges Foundation.

Physical location: University of the Cordilleras Library, Baguio City

ABSTRACT

Barangay justice reflects the Filipino Tradition of amicably settling disputes to preserve peace and harmony in the community. The Katarungang Pambarangay Law is the manifestation of this aspiration.

The major purpose of this study was to assess dispute processing under the Katarungang Pambarangay Law in the Municipality of La Trinidad, Province of Benguet. Specifically, answers to the following problems were sought:

1. What is the level of compliance of the Lupong Tagapamayapa in:
 - a. Procedures in Amicable Settlements
 - b. Jurisdiction
2. What is the degree of seriousness of the problems encountered in dispute processing?
3. What is the success rate in:
 - a. Decongestion of Court Dockets
 - b. Settlement of Court Referrals.

The study made use of the descriptive survey method of research with survey questionnaires as data gathering tools.

The respondents were the 133 Lupong members of the 10 Lupong Tagapamayapa of La Trinidad, Benguet.

The weighted mean, frequency and percentage rating, and standard deviation were used in the treatment of data.

Findings

The findings of the study are as follows:

1.a.1. The level of the compliance of the Lupong Tagapamayapa with the Katarungang Pambarangay Law's provisions on the procedures of amicable settlement, specifically, the provision on commencement of the settlement of the dispute was described as "always comply."

The level of compliance of the Lupon to all the provisions on the commencement of the settlement of a dispute were described as "always comply" except the provision on the payment of filing fees. The level of compliance of the Lupon to the provisions on the payment of filing fees was described as "often comply"

1.a.2. The level of the compliance of the Lupong Tagapamayapa with the Katarungang Pambarangay Law's provisions on the procedures of amicable settlement, specifically, the provision on notifying the disputants was described as "often comply".

The provision on notifying the disputants generally earned a level of compliance described as "always and often comply." However, the provision involving the filing of a motion at the Municipal Trial Court earned a level of compliance described as "seldom comply."

1.a.3. The level of the compliance of the Lupong Tagapamayapa with the Katarungang Pambarangay Law's provisions on the procedures of amicable settlement, specifically, the provision on conciliation proceedings was described as "often comply."

The provision on conciliation proceedings generally earned a level of compliance described as "always and often comply." However, the provision initiating a prosecution of perjury against any one of the disputants who repudiates the agreement earned a level of compliance described as "seldom comply."

1.a.4. The level of the compliance of the Lupong Tagapamayapa with the Katarungang Pambarangay Law's provisions on the procedures of amicable settlement, specifically, the provision on arbitration proceedings was described as "often comply."

The level of compliance of the Lupon to all the provisions on arbitration proceedings were described as "often comply" except the provision on the signing of arbitration awards. The level of compliance of the Lupon to the provision on the signing of arbitration awards was described as "always comply."

1.a.5. The level of the compliance of the Lupong Tagapamayapa with the Katarungang Pambarangay Law's provisions on the procedures of amicable settlement, specifically, the provision on the constitution of the Pangkat ng Tagapagsundo was "often comply."

The level of compliance of the Lupon to all the provisions on the constitution of the Pangkat ng Tagapagsundo was described as "often comply."

1b. The study showed that cases involving Estafa, Theft, Altering Land Boundaries, Slight Physical Injuries, Robbery and Unjust Vexation were ranked highly by the Lupon members as cases they have encountered and handled during their term. However, the study also showed that the Lupon members also settle private crimes, and cases involving grave thefts, grave physical injuries attempted/frustrated homicide and murder, homicide, and, reckless imprudence resulting to grave physical injuries and homicide.

2. The Lupong Tagapamayapa of the La Trinidad, Benguet perceived the problems that they encountered in dispute processing as "moderately serious".

The problems encountered in dispute processing generally earned a degree of seriousness described as "moderately and not serious." However, the problem on the lack of financial incentives for Lupon members earned a degree of seriousness described as "serious."

3.a. The Lupong Tagapamayapa was 87.98% successful in decongesting the court dockets by settling 732 cases out of the total 832 cases filed before the Barangay Court.

3.b. The Lupong Tagapamayapa was 50.57% successful in settling court referrals by settling 44 cases out of the total 87 cases referred to the Barangay Court.

Conclusions

1.a. The Lupong Tagapamayapa often complied with the Katarungang Pambarangay Law's provisions on the procedures on amicable settlements.

b. The Lupong Tagapamayapa did not comply with the katarungang Pambarangay Law's provision on case jurisdiction.

2. The problems encountered by the Lupong Tagapamayapa were perceived as "moderately serious" to have affected dispute processing in La Trinidad, Benguet.

3.a. The Lupong Tagapamayapa was successful in decongesting the court dockets.

b. The Lupong Tagapamayapa was moderately successful in settling court referrals.

Recommendations

1. For the Department of the Interior and Local Government to propose amendments to the Katarungang Pambarangay Law regarding a clear distinction among conciliation, mediation and arbitration; to review the case jurisdiction of the Lupong Tagapamayapa; and to give additional means of evaluation to check the proper implementation of the law; and other kinds of incentives for the Lupon members.

2. For the local government of La Trinidad, Benguet, the Department of Justice and the Department of the Interior and Local Government to conduct orientation-workshops on the actual conduct of an amicable settlement and on case jurisdiction of the Lupong Tagapamayapa.
3. For a study to be conducted to focus on the compliance of the Lupong Tagapamayapa on Case Jurisdiction in order to validate the findings of this study, to evaluate the success of the Lupon in settling these cases, and to propose a listing cases to be included or excluded in the lupons' case jurisdiction.
4. A replication of the study be undertaken in consideration to various factors, among others, urban and rural differentials and the quality of justice dispensed by the Lupong tagapamayapa.

