

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

23 JAN 19 P5:34

SENATE
S.B. No. 1715

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Introduced by **SENATOR IMEE R. MARCOS**

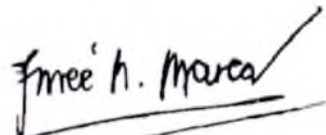
AN ACT
EXPANDING THE FUNCTION OF THE LUPONG TAGAPAMAYAPA, THEREBY
AMENDING REPUBLIC ACT NO. 7160 OTHERWISE KNOWN AS THE "LOCAL
GOVERNMENT CODE", AND FOR OTHER PURPOSES

EXPLANATORY NOTE

In 1978, then President Ferdinand E. Marcos enacted Presidential Decree No. 1508, establishing a system for amicably settling disputes at the barangay level without the need to resort to judicial resources to promote the speedy administration of justice. Though later repealed by Republic Act No. 7160, otherwise known as the "Local Government Code of 1991" the jurisdiction of the Katarungang Pambarangay remains to be very limited, specifically the provision exempting offenses punishable by imprisonment exceeding one (1) year from Barangay Conciliation proceedings. Hence, instead of a possible amicable settlement, parties are rushed into filing a multitude of cases before the courts, thereby clogging its dockets.

This bill seeks to expand the jurisdiction of the Katarungang Pambarangay by increasing the scope of its subject matter to include cases whose imposable penalty do not exceed two (2) years and other offenses that are often brought before members of the Lupong Tagapamayapa, without regard to the imposable penalty.

For the foregoing reasons, the passage of this bill is earnestly sought.


IMEE R. MARCOS



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

SECTION 1. Section 408 of R.A. No. 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 [one (1)] **TWO (2) years** or a fine exceeding Five thousand pesos (P5,000.00) [;]. **PROVIDED, THAT THE LUPON SHALL EXERCISE AUTHORITY OVER THE FOLLOWING CASES, IRRESPECTIVE OF THE IMPOSABLE PENALTY AND/OR FINE:**

(1) DISCOVERING SECRETS;

(2) QUALIFIED THEFT;

(3) SWINDLING (ESTAFA);

- 1 (4) **FENCING (PURSUANT TO PRESIDENTIAL DECREE**
2 **NO. 1612);**
3 (5) **MALICIOUS MISCHIEF;**
4 (6) **LIBEL;**
5 (7) **ADULTERY; AND**
6 (8) **CONCUBINAGE.**

7 (d) Offenses where there is no private offended party;

8 (e) Where the dispute involves real properties located in different
9 cities or municipalities unless the parties thereto agree to submit
10 their differences to amicable settlement by an appropriate *lupon*;

11 (f) Disputes involving parties who actually reside in *barangays* of
12 different cities or municipalities, except where such *barangay*
13 units adjoin each other and the parties thereto agree to submit
14 their differences to amicable settlement by an appropriate *lupon*
15 [;]. **PROVIDED, THAT DISPUTES INVOLVING PARTIES**
16 **WHO ACTUALLY RESIDE IN BARANGAYS OF DIFFERENT**
17 **PROVINCES, CITIES OR MUNICIPALITIES MAY BE**
18 **BROUGHT BY THE OFFENDED PARTY TO THE LUPON OF**
19 **THE BARANGAY WHERE THE OFFENDING PARTY**
20 **RESIDES;**

21 (g) Such other classes of disputes which the President may
22 determine in the interest of justice or upon the recommendation
23 of the Secretary of Justice.

24
25 The court in which non-criminal cases not falling within the
26 authority of the *lupon* under this Code are filed may, at any time
27 before trial, *motu proprio* refer the case to the *lupon* concerned
28 for amicable settlement.

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31 **SEC. 2. Repealing Clause.** - All general and special laws, acts, city charters,
32 decrees, executive orders, proclamations and administrative regulations, or part or
33 parts thereof which are inconsistent with any of the provisions of this Code are hereby
34 repealed or modified accordingly.

35
36 **SEC. 3. Separability Clause.** - If, for any reason or reasons, any part or provision
37 of this Code shall be held to be unconstitutional or invalid, other parts or provisions
38 hereof which are not affected thereby shall continue to be in full force and effect.

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SEC. 4. *Effectivity Clause.* - This Code shall take effect on January first. Nineteen Hundred Ninety-Two, unless otherwise provided herein, after its complete publication in at least one (1) newspaper of general circulation.

Approved,