

Attributes and Performance of Lupong Tagapamayapa towards Strengthening the Katarungang Pambarangay Operations in the Caraga Region

Jason Ryan R. Lam, DM

Father Saturnino Urios University

Butuan City, Philippines

Abstract

The study talks about the Katarungang Pambarangay or KP and its implementing arm, the Lupong Tagapamayapa in the Caraga Region. According to Republic Act 7160 (Local Government Code of 1991), it is one of the basic services and peacekeeping mechanisms of the barangay which operates through the execution of restorative justice, a type of criminal justice that focuses on the harmful effects of offenders' actions and actively involves victims, offenders, and the community in the process of repair, reconciliation, and rehabilitation (Van Ness and Strong, 2010). The KP serves as a quasi-judicial court that caters to cases that are punishable by imprisonment not exceeding one year or a fine not exceeding five thousand pesos, and subject to an amicable settlement (Silliman, 1985). It promotes speedy administration of justice that decongests the courts from cases and preserves and promotes the Filipino culture of resolving disputes (Ombudsman, 2017). It settles disputes at the local level before they can escalate to a higher level and create more conflicts in the community. By implementing such a mechanism, the KP helps in the maintenance of peace and order in the locality by way of restorative justice which contributes to much larger peacebuilding efforts of the government and the community. The study utilized a combination of quantitative and qualitative research designs. Likewise, it employed both multi-stage and purposive non-probability sampling techniques. Its findings revealed that the Lupons of the Caraga Region have good attributes. They value their significance to the community. Most of them are compliant with the mandates of the law. However, some mandated processes and functions need further strengthening and compliance. And as an output of the study, there is a proposed Strengthening Framework for the Lupons that will serve as a guide for them to adequately perform their mandated functions and processes.

Keywords: Restorative justice; Peace and order; Local Government Code; Amicable settlement; Baranga

1. Introduction

The barangay is the fundamental political and primary unit of the Philippine Government. One of its essential services is the maintenance of the Katarungang Pambarangay or KP (Santiago, 2015) which applies the traditional methods of conciliation at the barangay level (Silliman, 1985). In the delivery of this government service, the Lupong Tagapamayapa (Lupon) serves as the implementing arm that administers the operations of the KP according to Republic Act 7160 or the Local Government Code of 1991 (LGC of 1991). Hence, by all means, the barangay with its Lupon, adhere to the principles of restorative justice where its primary goal is to hold the offender accountable for the harm that he/she has caused, and also to focus on accepting responsibility making reparations, answering questions, and finding peace and order (Van Ness and Strong, 2010). Therefore, the study was basically anchored on the principles of restorative justice theory.

The LGC of 1991 stipulated that each barangay shall create a Lupong Tagapamayapa composed of the Punong Barangay as the Chairperson, ten (10) to twenty (20) members coming from the community, and the Barangay Secretary concurrently acts as the Lupon Secretary. They are the first-hand initiator of restorative justice. On the other hand, the two parties involved in the case are called complainant/s and respondent/s. At their level, they apply restorative justice theory by emphasizing to the two conflicting parties that the goal of the Katarungang Pambarangay in the reparation of the harm caused or revealed by criminal behavior shall employ the restorative justice principles. This means that the settlements of cases shall be amicable and shall restore the original relationship and harmony of the two conflicting parties of the community. The Lupon sees to it that the two parties shall come up

with a mutual resolution/agreement to the case filed before them. Further, the Lupon shall also emphasize that the settlement of cases at the KP level is much different from the higher courts which employ the retributive justice principle which is based on punishment (Van Ness and Strong, 2010).

Moreover, a Lupon member can be any person who is residing or working in the barangay, not otherwise expressly disqualified by law, and possessing integrity, impartiality, independence of mind, and a sense of fairness. The constitution of the Lupon is changed every three (3) years (Santiago, 2015).

The Lupons in the Caraga Region experienced problems regarding the implementation of restorative justice which affects their performance. According to the DILG-Caraga Functionality of Lupon Tagapamayapa Report (2017), there were concerns on Lupon functionality that connote their performance despite the capacity development activities, awards, and incentives provided to these Lupons. Out of 1,311 Lupons, there were 182 that were non-functional and 408 semi-functional per criteria on the functionality set forth by the DILG under Republic Act 7160. Furthermore, among the common issues and concerns raised during the Lupon-related training and seminars conducted were on Lupon performance and their adherence to the KL Law in handling and resolving cases (DILG Activity Report, 2015).

The lack of familiarity with KP Law had driven the residents to immediately file cases in the regular courts and other government offices without passing through the barangay first (Ombudsman, 2017) which contributed to the issues on the Lupons. Likewise, recurrence of resolved Lupon cases and non-compliance of the settlements form part of the problems on Lupon performance (DILG LTIA Annual Entries, 2017). Thus, there was a disparity in the

KP performance and the support on capability development as discovered by the researcher.

Henceforth, the study focused on selected Lupong Tagapamayapa in the Caraga Region. It covered the four (4) LGU classifications, namely Highly Urbanized Cities (HUC), Component Cities (CC), 1st to 3rd Class Municipalities, and 4th to 6th Class Municipalities where restorative justice is best applied and as such, the existence of Lupons in every barangay is deemed necessary considering the three fundamental principles governing the implementation of restorative justice in the processes and systematic reform (Van Ness and Strong, 2010).

Furthermore, the researcher has not come across a study that dealt with the attributes and performance of the Lupons in adherence to the KP Law which promotes restorative justice in the entire Caraga Region. This study is one of a kind in that it will craft a framework for Katarungang Pambarangay operations in the region in such a way that the Lupon can become a strong force towards the implementation of restorative justice. Besides, the study can provide a picture of the contribution of the Lupong Tagapamayapa to the settlement of cases. The filing of cases should be at the municipal or Regional Trial Courts. This causes so many burdens to a minimal number of presiding judges and government prosecutors. Likewise, this research was also envisioned to generate a framework that aims to serve as the basis and guide in strengthening the Lupons, increasing competitiveness in getting local, regional, and national commendations, and sustaining the operation of the KP in the Caraga Region.

It also hopes to share its output which is the "Proposed Strengthening Framework for Katarungang Pambarangay Operations in the Caraga Region" to all the Lupons not only in Caraga but also in other parts of Mindanao, to those who would like

to become a Lupon member, to those who would like to support the Lupons, and to all peace advocates who continuously support and advocate the keeping of peace and order in their localities through restorative justice.

2. Methodology

The study is guided by a research paradigm (please see Figure 1). The paradigm contained the key factors and variables related to the study, namely, the Attributes of the Lupons; Support and Capability Development; Performance of the Lupons; their Problems Encountered and their Best Practices which encompass the maintenance of peace and order through restorative justice. The results of the study opted to produce a proposed framework to strengthen KP operations in the Caraga Region.

The LGC of 1991 stipulates the mandatory processes, functions, and roles of the Lupon in the operation of the Katarungang Pambarangay. The law specifies that the basis for the performance of the Lupon shall be on resolved cases either through mediation, conciliation or arbitration which are all anchored to restorative justice theory. Wherein the results of these resolved cases could either be executed by the Lupon or repudiated by any of the concerned parties (Santiago, 2015).

The framework highlights the provisions of the said law, specifically the Lupon attributes, the support and capability development provided to them by different sectors and the performance of the Lupon towards handling and resolving of cases. All of these factors would lead to the expected outcome of the Katarungang Pambarangay which is the maintenance of peace and order at the local level by repairing the relationship of the people through the execution of modalities of settlement anchored

on restorative justice principle. It is by coming up with an amicable settlement of cases filed before the Lupon by the concerned parties (Santiago, 2015).

The various attributes of the Lupon Tagapamayapa are stipulated in the LGC of 1991. The study explored the profile, processes, strategies, functions, and self-ascription of the Lurons in the Caraga Region. Specifically, it investigated the profile of the Lupon in terms of membership and educational attainment, number of years functioning as Lupon Tagapamayapa, and their funding and incentives (Santiago, 2015).

Moreover, the Lurons are clothed by the law with processes and strategies to carry out their functions. These processes and strategies include filing and recording of cases, resolution of cases filed between the concerned parties using the modalities of the settlement, and the execution of settled cases or if unsettled or repudiated, there shall be an issuance of certification in filing the case to the proper court. The Theory on Restorative Justice served as the guiding principle in the execution of these mandated functions considering that the goal of the Katarungang Pambarangay is amicable settlement (Mosquito, 2011). This simply means that the KP shall settle the cases filed before the Lupon by way of restoring the relationship of the two aggrieved parties through coming up with a resolution mutually agreed upon by the concerned parties. Henceforth, the KP Law, which created the Lupon, anchors on the concept of Restorative Justice Theory. The theory gives the connection between the Lupon and the performance of their mandated functions particularly the amicable settlement of cases filed under their jurisdiction.

The study also explores the different support and capability development provided by the national and local governments, non-government organizations and other private individuals. Notably, it

looked into the support offered by the government considering that it was a mandate of the law (Santiago, 2015).

According to Santiago (2015), the settlement of cases filed under the Lupon could be in three modalities, namely: mediation, conciliation, and arbitration and it takes a lot of wisdom, patience, and understanding in the execution of these modalities (Cuy, 2017). The application of these modalities of settlement is already a concrete example of the application of restorative justice theory in the operations of the Lupon. Corollary to this, mediation takes place at the level of the Punong Barangay as the Chairperson of the Lupon. He is given fifteen (15) days to mediate the case. In the instance that the Lupon Chairperson fails to settle the case, he shall then form the Pangkat to perform the second mode of settlement which is the conciliation. The Pangkat is composed of three (3) members out of the regular Lupon composition, and they have another fifteen (15) days to resolve the case. If the case is still not yet settled after the lapse of the fifteen (15) days, the Pangkat has an extension of another fifteen (15) days to work on the matter.

Lastly, the application of arbitration as the third mode of the settlement could be at any stage of the proceedings as to agreement by both parties that they shall abide by the arbitration award/decision of either the Lupon Chairperson or the Pangkat. The Lupon is given a maximum of sixty (60) days to resolve the case filed before them, utilizing the three modes of settlement, and when there is a failure to do so, the case could be elevated to the court by the concerned party.

Further, the law also provides that the cases settled in any of the three modes of the settlement could result in two ways, and it could be either execution or repudiation. According to Santiago (2015), the enforcement of amicable settlement may be implemented by the Lupon within six (6) months from the date of

the agreement. After the expiration of such a period, the enforcement of settlement may be done by the appropriate court. On the other hand, any party to the case may, within ten (10) days from the date of settlement, repudiate the same by filing within the Lupon Chairperson a statement to that effect sworn to before him stating that such an agreement is with fraud, violence, or intimidation. Such repudiation shall be a basis for the issuance of the Lupon of certification for filing the complaint to the proper court.

The concept of Performance Management Theory of Cokins (2004) was utilized to determine the factors on Lupon performance towards the execution of their mandated functions as well as the attainment of their desired goal which is the promotion of peace and reconciliation in the barangay through restorative justice (Mosquito, 2011). The theory takes into account that the performance management of the Lurons correlates to the quality of services they provide in handling and resolving of cases in their localities. Hence, the theory gives the study the guidance and direction in the assessment of the attributes and performance of the Lurons as well as on the attainment of the desired outcome of the law.

Just like any government or non-government organizations, there could always be a possibility of having a problem along its operations. Thus, this study also studied the difficulties encountered by the Lurons in the exercise of their functions as well as their ways and means of handling and resolving such problems. In like manner, the Lurons experienced difficulties in the discharge of their duties and responsibilities. They also serve to the best interest of the public as they have rendered their best practices.

Henceforth, the attributes and performance of Lupon Tagapamayapa towards strengthening the Katarungang

Pambarangay operations in the Caraga Region include all the variables as to attributes of the Lupon, support and capability development and performance of the Lupon. It also determined the problems as well as its best practices which are contributory factors towards the attainment of the desired outcome which is peace and order through restorative justice (Mosquito, 2011). The achievement of the said outcome can be possible through community partnership and cooperation which are elements of restorative justice theory.

The desired outcome which is peace and order in the paradigm of the study can be found in the lower part of the funnel as this has been sanitized considering all factors attributed to the Lurons as mentioned above. The cases are properly sanitized first at the barangay level before reaching the proper court. This mechanism helps in reducing the problem of clogging of cases at the court that resulted in the delay of case resolution (Mosquito, 2010). These variables are determinants for the possible development of the proposed Strengthening Framework for the Katarungang Pambarangay operations in the Caraga Region.

The following part shows the diagram that illustrates the research paradigm of the study.

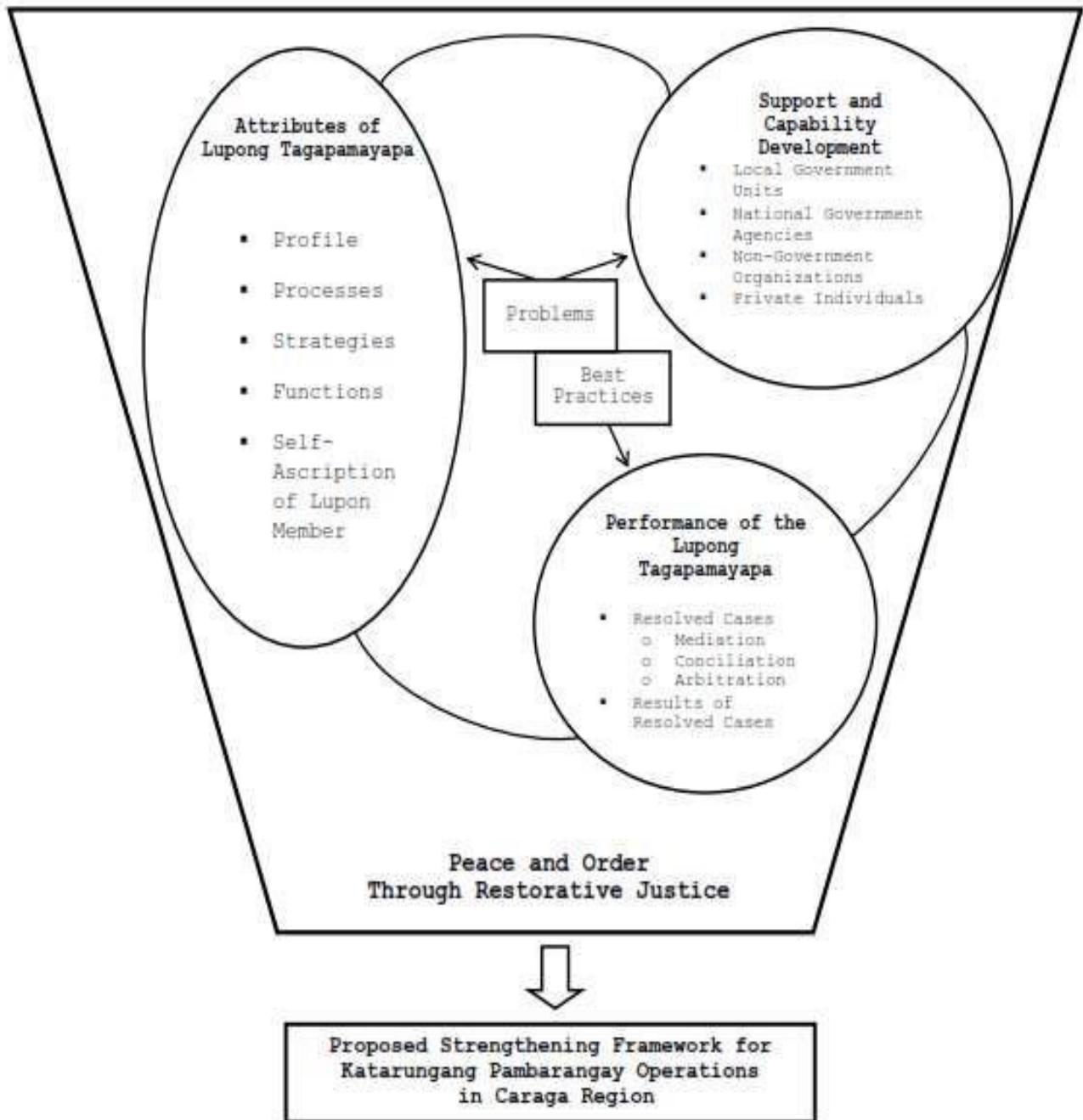


Figure 2.1. Research Paradigm

The Research Instrument is a six-part self-made and structured questionnaire validated by a retired City Prosecutor/Vice-Chairperson of the Lupong Tagapamayapa Incentives Awards (LTIA) of Butuan City, and DILG-13 Regional Director/Chairperson of the LTIA Caraga Region. It is also pretested to a Lupon in Butuan City. It yielded a result of 0.88 which showed that the instrument is reliable. It contained quantitative and qualitative parts that captured the necessary data for the study.

The study determined the attributes and performance of the Lupong Tagapamayapa of the Caraga Region in the implementation of the Katarungang Pambarangay Law. Specifically, it sought answers to the following:

1. What is the attribute of the Lupong Tagapamayapa in the Caraga Region in terms of profile, compliance with mandated processes, implementation of self-formulated strategies, and conformity to mandated functions?
2. How do Lupon members describe themselves in the discharge of their functions?
3. What are the support and capability development received by the Lupong Tagapamayapa from the Local Government Units (LGUs), National Government Agencies (NGAs), Non-Government Organizations (NGOs), and Private Individuals?
4. What is the performance of the Lupong Tagapamayapa in terms of resolved cases through mediation, conciliation, and arbitration, and the results of these resolved cases?

5. What are the problems encountered by the Lupong Tagapamayapa in the operation of the Katarungang Pambarangay?
6. What are the best practices in the settlement of cases through restorative justice?
7. What framework may be developed to strengthen the Katarungang Pambarangay operations in the Caraga Region?

The research environment was in selected barangays in the different municipalities of the five provinces and in six cities of the Caraga Region. It adhered to the research protocol of identifying an adequate sample of a minimum size of at least 10% of its population. The Lupon Chairpersons, members, and secretaries are the respondents since they are the persons in authority that could provide the necessary information and data. A total of 130 Lurons were selected as the respondents and participants of the study (please see Table 1).

Table 1. Profile of Respondent Lupons in Caraga Region

Province/ Highly Urbanized City	Lupong Tagapamayapa						Total
	In terms of Barangay Classification (based on PSA Records)		Total	In terms of Functionality (based on DILG Criteria)			
	No. of Rural Brgys.	No. of Urban Brgys.		No. of Brgys. with Functional Lupon	No. of Brgys. with Semi-Functional Lupon	No. of Brgys. with Non-Functional Lupon	
Agusan del Norte: 1 component city 6 municipalities	16	9	25	25	0	0	25
Agusan del Sur: 1 component city 6 municipalities	16	9	25	8	12	5	25
Dinagat Islands: 6 municipalities	16	8	24	7	13	4	24
Surigao del Norte: 1 component city 6 municipalities	17	8	25	22	3	0	25
Surigao del Sur: 2 component cities 6 municipalities	17	9	26	10	10	6	26
Butuan City: 1 highly urbanized city	0	5	5	3	1	1	5
GRAND TOTAL							130

The study employed multi-stage and purposive sampling techniques. It is multi-stage sampling because it considered all the provinces, cities, municipalities, and barangays of the Caraga

Region in the selection of the samples. It also utilized a non-probability purposive sampling technique considering that the researcher applied the criteria as the purpose of determining the samples. The criteria which served as the purpose were income classification of local government units and categorization of barangay either rural or urban based on the data from the Philippine Statistics Authority (PSA), and the functionality of the Lupons based on data from the Department of the Interior and Local Government (DILG). Likewise, the proximity of the area also served as one of the determining factors in deciding the number of participants to be included.

The study utilized a mix of quantitative and qualitative research designs. The quantitative part dealt with the attributes of the Lupons while the qualitative portion dealt with their self-ascription, problems, best practices, Lupons' perspective about themselves, the problems encountered during the discharge of their duties and responsibilities, and the best practices in the settlement of cases.

For the goal to have both qualitative and quantitative form of research, the first step was to craft a questionnaire based on the identified problems of the study and about the provisions of Republic Act 7160 (LGC of 1991). Next, the researcher sent a request letter to the Regional Director of the DILG Region XIII (Caraga) indicating the purpose of the study. The attachment of the questionnaire was for the advance copy and reference. After the approval of the letter, there was the conduct of focus group discussions (FGD) and interviews with the selected respondents in their respective localities. During the FGD, there was a brief orientation first, and then the answering of the questionnaire and the discussion proper followed.

After the conduct of the FGDs was the transcription of the recorded information. If there was a need for follow-up interviews, this was done accordingly. Finally, the last part of the data gathering is the tabulation and encoding of the reviewed information/data.

The study obtained the percentage of the different categories over the total members to facilitate the analysis of the data for the profile of Lupon membership and educational attainment. The establishment of the mean range was to measure the Lupon compliance to the mandated processes and functions and implementation of self-formulated strategies (Table 2).

Table 2. Metric to measure the Lupon compliance to self-formulated strategies

<u>Rating Scale</u>	<u>Mean Range</u>	<u>Verbal Description</u>	<u>Interpretation</u>
			All the necessary processes and functions have complied, and all the essential self-formulated strategies have implemented the following:
4	3.26 - 4.00	Very Good (VG)	Within 15 days upon filing of the case.
3	2.51 - 3.25	Good (G)	Within 30 days upon filing of the case.
2	1.76 - 2.50	Fair (F)	Within 45 days upon filing of the case.
1	1.00 - 1.75	Poor (P)	Beyond 45 days upon filing of the case.

For the open-ended questions, responses were tallied and considered those frequencies of 500 and above as common concerns among the Lurons in the region. The qualitative data were analyzed and processed based on the discussions and reflections as well as the experiences shared.

Moreover, the study adhered to and considered some ethical considerations as one of the conventional protocols and procedures of conducting research. The respondents and other concerned stakeholders were adequately informed on the purpose of the study through formal communication as well as "informed consent". The confidentiality of the data and information was respected and kept for academic purposes only. The study also adhered to Republic Act No. 10173 otherwise known as Data Privacy Act, an act protecting individual personal information and communications systems in the government and the private sector. It utilized weighted mean, frequency, and percentage as statistical tools.

3. Results and Analyses

The Attributes of the Lurong Tagapamayapa in the Caraga Region.

As to the attributes of the subject Lurons of Caraga Region (please see Table 3), most of the Luron members were members of the Lurong Tagapamayapa for more than three (3) years. They are predominantly high school and college graduates with regards to their educational attainment. All these Luron groups existed for more than ten (10) years with an annual budget from P20,000 to P100,000 and above. Most of them are receiving a monthly honorarium between P100 to P3,000, and the primary source of their funds is the barangay government.

As to mandatory processes, the majority of the Lupons had very good compliance. However, some procedures require further compliance. As to Lupon strategies, the majority of the Lupons had a very good implementation of various strategies that helped them in reaching an amicable settlement of the filed cases. Lastly, as to Lupon functions, the majority of the respondents had very good compliance with the mandated functions except for the regular conduct of the meeting of which some of them complied minimally.

Point of View of Lupon Members in the Discharge of their Functions in the Lupon Tagapamayapa.

The Lupon members in the Caraga Region view themselves in the discharge of their functions as Mediator/Conciliator, Peacemaker/ Peace Promoter, Person of Good Moral Character, and Public Servant (please see Figure 3.1.). These things connote their significance in peacebuilding.

Table 3. Distribution of Lupon Members in Caraga Region in terms of Membership and Education Attainment

Number of Years as Lupon Member														
Years	ADN		ADS		PDI		SDN		SDS		BXU		Total	%
	f	%	f	%	f	%	f	%	F	%	f	%		
< 3 yrs	85	34	30	12	67	28	43	17	52	20	13	26	290	22
3-6 yrs	103	41	108	43	113	47	157	63	86	33	24	48	591	46
7 yrs & above	62	25	112	45	60	25	50	20	122	47	13	26	419	32
Grand Total	250	100	250	100	240	100	250	100	260	100	50	100	1,300	100
Highest Educational Attainment														
Level	AND		ADS		PDI		SDN		SDS		BXU		Total	%
	f	%	f	%	f	%	f	%	f	%	f	%		
Elem. Grad	40	16	0	0	0	0	17	7	0	0	0	0	57	4
High Sch. Level	25	10	32	13	43	18	62	25	39	15	17	34	218	17
High Sch. Grad	110	44	70	28	63	26	25	10	65	25	4	8	337	26
College Level	42	17	80	32	38	16	70	28	44	17	5	10	279	21
College Grad	22	9	63	25	84	35	63	25	99	38	16	32	347	27
MA Level	3	1	0	0	0	0	7	3	0	0	2	4	12	1
MA Grad	3	1	5	2	7	3	3	1	0	0	5	10	23	2
Other Degrees	5	2	0	0	5	2	3	1	13	5	1	2	27	2
Grand Total	250	100	250	100	240	100	250	100	260	100	50	100	1,300	100

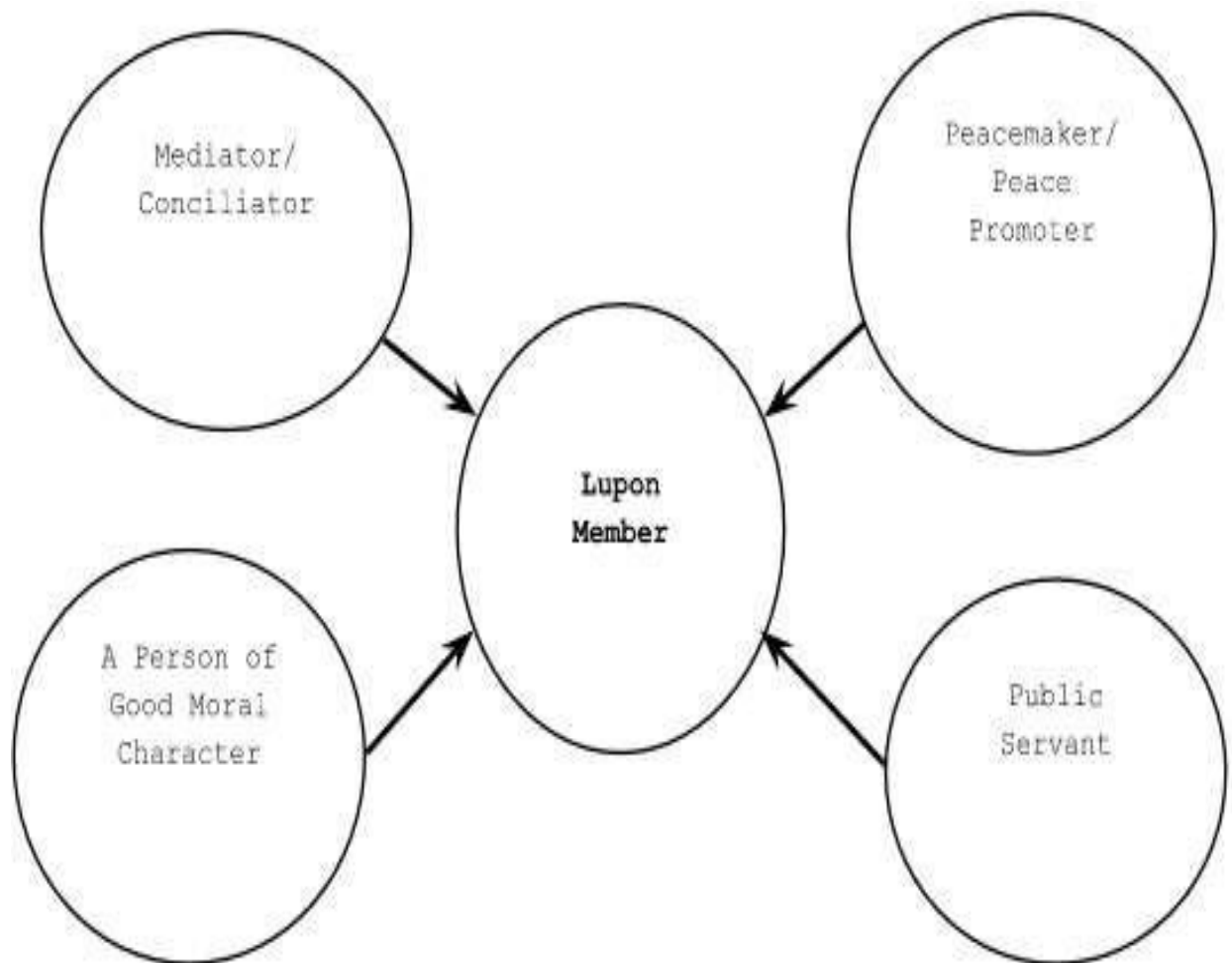


Figure 3.1. Thematized Point of View of Lupon Members on the Discharge of their Functions

Support and Capability Development Received by the Lupon Tagapamayapa.

The barangay government mainly provides the Lurons of the Caraga Region with different types of support, namely: financial/monetary, training/seminars, office facilities and supplies, and support to Katarungang Pambarangay related programs and projects of the barangay government.

On the Performance of the Lupon Tagapamayapa

The performance of the Lurons in terms of case settlement for the past three years (2015-2017) was very good considering that more or less 90% of the cases were settled amicably and only 10% were filed in court. The difficult cases to resolve mostly involved land conflict as mentioned by the Lurons. Majority of the resolution of cases was through mediation (please see Table 4). There is the execution of all the resolved cases, and no repudiation occurred. At the level of the Lurons, restorative justice theory is applied since it emphasized the reparation of the harm caused or revealed by criminal behavior, and restored the relationship among community members.

Further, as to the said theory, it is through cooperative processes that included all stakeholders like the complainants, respondents and the community members represented by the Luron (Van Ness and Strong, 2010). Likewise, the two conflicted parties were able to settle their cases amicably and won each other's heart and restored their relationship over their conflicts as reflected in the agreements they signed at the end of the proceedings. This connotes the achievement of restorative justice theory in the operations of the Luron. Most cases did not reach the higher courts, hence the achievement of the KP objective.

Table 4. Number of Cases From Selected Lupons of Caraga Region in the Past Three Years (CYs 2015-217)

P/ HUC	Total Number of Cases filed				Total Number of Settled Cases										%
	CR	CV	O	Total	M			C			A			Total	
					CR	CV	O	CR	CV	O	C R	C V	O		
CY 2015															
ADN	225	158	16	399	127	103	11	79	45	0	0	0	0	365	91.48%
ADS	117	155	15	287	72	77	9	30	63	0	0	0	0	251	87.46%
PDI	69	83	6	158	63	62	4	0	14	0	0	0	0	143	90.51%
SDN	122	79	9	210	81	48	9	34	28	0	0	0	0	200	95.24%
SDS	142	167	13	322	129	117	12	32	29	0	0	0	0	319	99.07%
BXU	334	273	0	607	269	217	0	49	35	0	0	0	0	570	93.90%
GT:	1,009	915	59	1,983	741	624	45	224	214	0	0	0	0	1,848	93.19%
CY 2016															
ADN	163	152	16	331	113	106	14	36	32	0	0	0	0	301	90.94%
ADS	119	106	8	233	85	74	5	20	20	0	0	0	0	204	87.55%
PDI	75	96	5	176	63	76	5	3	1	0	0	0	0	148	84.09%
SDN	106	85	7	198	86	75	5	16	8	0	0	0	0	190	95.96%
SDS	130	185	9	324	99	131	3	14	40	0	0	0	0	287	88.58%
BXU	304	249	0	553	232	184	0	54	36	0	0	0	0	506	91.50%
GT:	897	873	45	1,815	678	646	32	143	137	0	0	0	0	1,636	90.14%
CY 2017															
ADN	141	140	7	288	101	99	6	28	35	0	0	0	0	269	93.40%
ADS	89	111	11	211	71	79	7	5	20	0	0	0	0	182	86.26%
PDI	96	75	9	180	76	51	5	9	8	0	0	0	0	149	82.78%
SDN	113	75	8	196	85	59	8	17	15	0	0	0	0	184	93.88%
SDS	109	184	9	302	95	137	9	10	33	0	0	0	0	284	94.04%
BXU	462	202	10	674	344	145	0	77	49	0	0	0	0	615	91.25%
GT:	1,010	787	54	1,851	772	570	35	146	160	0	0	0	0	1,683	90.92%
GRAND TOTAL FOR 3 YEARS				5,649										5,167	91.47%

***Legend:**

P/HUC – Province/Highly Urbanized City
 ADN – Province of Agusan del Norte
 ADS – Province of Agusan del Sur
 PDI – Province of Dinagat Islands
 SDN – Province of Surigao del Norte
 SDS – Province of Surigao del Sur
 BXU – City of Butuan

M – Mediation
 C – Conciliation
 A – Arbitration
 CR – Criminal
 CV – Civil
 O – Others
 GT – Grand Total

Problems Encountered by the Lupong Tagapamayapa in the Maintenance of the Katarungang Pambarangay.

The common problems encountered by the Lupons in the operation of the Katarungang Pambarangay are lack of skills training, lack of awareness on laws and knowledge on nature of cases, absenteeism of Lupon members during the hearing of cases, absent parties during the hearing of cases, improper archiving of cases/ maintenance of records, and lack of funds.

The best practices of Lupong Tagapamayapa in the settlement of the case through restorative justice.

The Lupong Tagapamayapa participants mentioned during the focus group discussion some of the best practices they have exercised as part of their discharge of duties and functions. They voluntarily conduct home visitation of both parties of the case before the actual date of hearing. According to them, this will be done for purposes of orienting both parties on the Katarungang Pambarangay and at the same time, of finding ways for amicable settlement. The conduct of home visitation is for them to promote peace to both parties, which as they all agreed, is one of their roles as peace promoters. They also mentioned that the community participates in the conduct of conflict resolution. The community, however, ensures the proper administration of procedures and processes entailed in settling conflicts and amicable solutions and compromises.

Other Lupons organized themselves as an association with the President, Vice President, Secretary, Treasurer, and Public Information Officer as governing officers. With this set of officers, the facilitation of pitching in and socialization can be timely and smooth. Usually, the Punong Barangay, who under the law is

mandated to act as the Chairperson of the Lupon, is already tied up with his other official duties and responsibilities, often barring him from attending to the needs of Lupon members. With the association, the President can immediately call for a meeting to address pressing issues and concerns encountered by the Lupon members.

The best practices help resolve cases according to the Lupon Tagapamayapa experience. They said they would continue doing the same for a more peaceful barangay and a more peaceful community to live in.

The Proposed Strengthening Framework for Katarungang Pambarangay Operations in Caraga Region.

The proposed strengthening or operational framework for Katarungang Pambarangay operations in the Caraga Region is based on the responses, shared experiences, information, and data from the selected Punong Barangays, Barangay Secretaries, and Lupon Members that comprised the 130 respondent Lurons in the Caraga Region (please see Figure 3.2.). It aims to serve as a basis and guide for the Lupon Tagapamayapa in strengthening the KP operations in the region towards the attainment of peace and order through restorative justice as its outcome (R.A. 7160/Local Government Code of 1991). The proposed framework will henceforth serve as a concrete basis and guide for sustainability of operations and provision of quality service of the Lurons. Compared to the old one, this framework captured the best practices and remedies on the actual problems encountered by the Lurons, and it emphasized that restorative justice is the fundamental principle for Katarungang Pambarangay.

The proposed framework describes that for the Lurons to

adequately perform and discharge their mandated functions and processes provided for by the law, they must have internal attributes. These attributes are appreciation of restorative justice, primary education, commitment to serve, skills and strategies, and external factors to include financial and non-financial support, capability development, and cooperation and support from the community. Specifically, the appreciation of restorative justice refers to the understanding of the Lupons on the significance of restorative justice towards the attainment and maintenance of peace and order in the community. Moreover, primary education refers to the minimum requirement of being at least an elementary graduate for them to have a better comprehension of the nature of cases filed before them and its underlying circumstances. According to the experience of the Lupons, those with higher educational attainment are most likely to be chosen by the complainant of the case to settle their disputes. Also, the commitment of the Lupon members in rendering services to the community was considered by the respondents as one of the best factors that strengthens the Lupon Tagapamayapa and sustains the maintenance of the Katarungang Pambarangay (KP). Commitment is critical because the Local Government Code of 1991 does not specify any compensation for Lupon services.

Moreover, the Lupons must acquire knowledge and skills on case settlement that utilizes the different forms of agreement, namely, mediation, conciliation, and arbitration. As such, they gain the trust and confidence from their clients. Likewise, they also need to have knowledge and skills in the execution of special laws that relate to the Lupon operations like mainstreaming policies on child-friendliness, gender-responsiveness, and culture and conflict sensitivity.

They Lupons should have strategies that could help them in

the resolution of the case provided for by Republic Act 7160 that stated that they shall exhaust all means to come up with an amicable settlement. One of the strategies is to conduct a brief KP Orientation before the hearing to ensure that the complainant and respondent know the purpose and significance of the KP. Home Visitation to both parties of the case is another strategy. The Lupon members visit the parties before the actual date of hearing to have an initial and casual talk about the case and the possible resolution of such matters. It could also serve as another venue for the Lurons to discuss to the parties the significance of KP. Another suggested strategy is the provision of a service vehicle to the parties (both the complainant and the respondent) to fetch them from their home to the Lupon Office and vice versa. It will help in ensuring that the parties can attend the hearing within the prescribed period of settlement most especially those with a problem in transportation. Another one is the call for recess or break during a heated argument during the hearing of the case. It is done to cool down the situation and the feelings of the parties as well as to prevent further disputes. Lastly, the inclusion of these strategies must be included in one of the agenda during Lupon meetings in order to have assessment and updates on the applicability and effectiveness of such approaches. It is likewise suggested to brainstorm for new innovative strategies that are suitable to Lupon operations.

The consideration of financial and non-financial support and capability development provided by the barangay government, city/municipal government, and the DILG is an essential factor that help the Lurons in the discharge of their functions and processes. This financial support could be in the form of honoraria, incentives, or a budget for the Katarungang Pambarangay related programs. It can either come from the barangay, the city/municipal government, or the DILG while the non-financial supports are office

facilities and supplies which can either be sourced from the barangay or the city/municipal government.

The capability development that the Lupons needed were continuous training, lakbay-aral (educational tour), and team-building activities coming from the three sectors (barangay, city/municipal government, and DILG). Similarly, the cooperation and support from the community in any form is the best factor in sustaining Lupon operations in the barangay because it can serve as an advocacy for Lupon's significant role in the settlement of cases. It is also a gesture of respect by the people to the Lupons as persons in authority.

By and large, there shall be regular monitoring and assessment by the DILG, the city/municipal, and the barangay government on the compliance of the Lupons to their mandated functions and processes. It is to ensure adherence to the provisions of the law and the achievement of the desired outcome which is peace and order through restorative justice. Monitoring and assessment can be done quarterly, semi-annually, or annually whenever it is practical as long as the objective is adequately achieved. The assessment can be in the form of incentive programs like the existing Lupon Tagapamayapa Incentives Award or the LTIA program of the DILG.

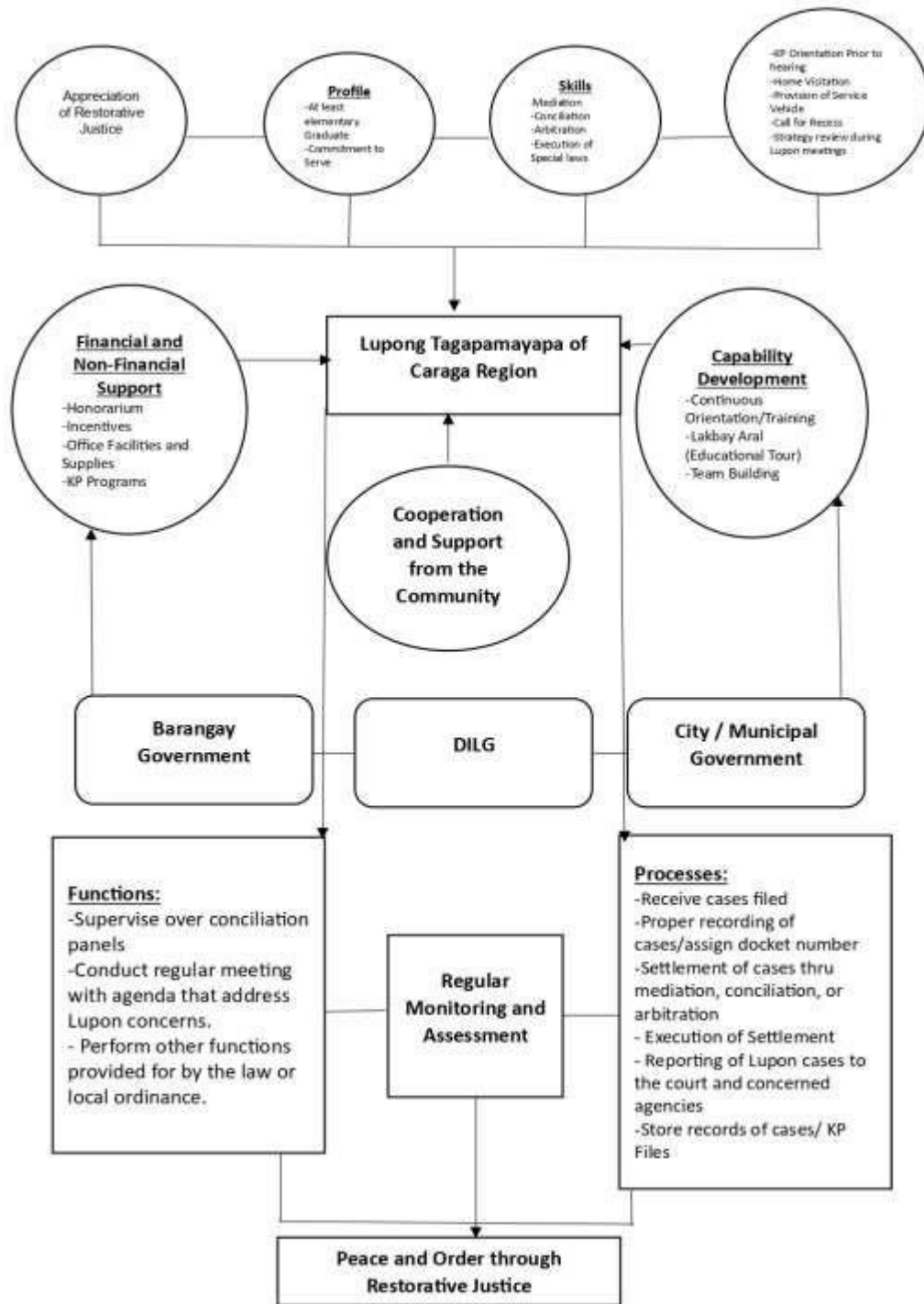


Figure 3.2. Proposed Strengthening Framework for Katarungang Pambarangay Operations in Caraga Region

4. Conclusion

The very good attributes of the members of the Lupong Tagapamayapa in the Caraga Region are a manifestation of the responsible constitution of the Lupon members by the Punong Barangay. It is a reflection on the proper guidance of the Department of the Interior and Local Government, and a depiction of the commitment of those appointed as Lupon members. They follow procedures, promote restorative justice by amicable settlement of filed cases, and serve to the best of their ability for the sake of peace and order through a climate of harmonious relationships among community folks.

The Lupon members understand their role in the Katarungang Pambarangay operation and find meaning in helping the barangay officials in the maintenance of peace and order in the community through restorative justice as a mechanism. As such, they view themselves as peacemakers/peace promoters, public servants, among others. They are able to understand that the entire operations of the Katarungang Pambarangay anchor on the restorative justice theory in action at the community level. Hence, the restoration of community relationship among its people through amicable settlement of disputes among aggrieved parties is a manifestation that restorative justice works at the barangay level.

The provision of monetary and non-monetary support by the barangay government unit, the DILG, and other sectors is a manifestation of adherence to guidelines by the offices concerned. Besides, their adherence is an acknowledgment that Katarungang Pambarangay plays a vital role in the maintenance of peace and order in the community. Hence, allocation of budget and other needs of the Lupon become spontaneous and a standard operating procedure for governing bodies.

The very good performance of the Lupons in terms of settlement of cases through restorative justice is an offshoot of the very good constitution of the Lupon, provision of support from different sectors, and understanding of the Lupon members of their role in the maintenance of peace and order in the barangay as well as collaboration with the community.

Due to limitations in budget and other logistical requirements for the efficient and effective operation of the Katarungang Pambarangay, the occurrence of problems becomes inevitable. But with optimism, joy, and fulfillment nurtured by the Lupon members and the strong sense of contribution to their respective barangays, the Katarungang Pambarangay operation will continue to exist. The Lupon will find means to strengthen their operation since they are convinced that they are rendering public service.

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