


FOURTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Second Regular Session )

8 AUG -4 2:46

SENATE  
S.B. No. **2504**

RECEIVED BY: 

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Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE

Section 412, paragraph (b) (4) of the Katarungang Pambarangay Law provides:

.xxx .xxx .xxx

SEC. 412. Conciliation. - (a) Pre-condition to Filing of Complaint in Court. - No complaint, petition, action, or proceeding involving any matter within the authority of the lupon shall be filed or instituted directly in court or any other government office for adjudication, unless there has been a confrontation between the parties before the lupon chairman or the pangkat, and that no conciliation or settlement has been reached as certified by the lupon secretary or pangkat secretary as attested to by the lupon or pangkat chairman or unless the settlement has been repudiated by the parties thereto.

(b) Where Parties May Go Directly to Court. - The parties may go directly to court in the following instances:

.xxx .xxx .xxx

**(4) Where the action may otherwise be barred by the statute of limitations.**

.xxx .xxx .xxx

Section 412 (b) (4) of the Revised Katarungang Pambarangay Law provides by way of exception to the precondition of referral of the dispute to the punong barangay or lupon ng tagapamayapa, that a party may go directly to court "Where the action may otherwise be barred by the Statute of Limitations.". The plain meaning of this is where the prescriptive period is about to lapse, a party may go directly to court instead of first referring the dispute to the punong barangay or lupon ng tagapamayapa. Such exception has thus given rise to some confusion because it is not clear how much time before the end of the prescriptive period could a party be justified in going directly to court.

Moreover, the prescriptive period is suspended upon filing the complaint with the punong barangay as provided in Section 410 (c) of the Local Government Code which states:

**SECTION 410 (c) While the dispute is under mediation, conciliation, or arbitration, the prescriptive periods for offenses and cause of action under existing laws shall be interrupted upon filing the complaint with the punong barangay.** The prescriptive periods shall resume upon receipt by the complainant of the complaint or the certificate of repudiation or of the certification to file action issued by the lupon or pangkat secretary: *Provided, however,* that such interruption shall not exceed sixty (60) days from the filing of the complaint with the punong barangay.

Hence, this bill seeks to remove such confusing exception which will be in keeping with the promotion of barangay justice.

  
MIRIAM DEFENSOR SANTIAGO

FOURTEENTH CONGRESS OF THE REPUBLIC )  
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1 AN ACT  
2 PROMOTING BARANGAY JUSTICE BY DELETING ITEM NUMBER FOUR OF  
3 PARAGRAPH B OF SECTION FOUR HUNDRED TWELVE OF REPUBLIC ACT  
4 NUMBER SEVEN THOUSAND ONE HUNDRED SIXTY, OTHERWISE KNOWN  
5 AS THE LOCAL GOVERNMENT CODE OF 1991  
6

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

9  
10 SECTION 1. Section 412 of RA 7160, otherwise known as the Local Government  
11 Code Of 1991 is hereby amended to read as follows:

12  
13 SEC. 412. *Conciliation.* - (a) Pre-condition to Filing of Complaint  
14 in Court. - No complaint, petition, action, or proceeding involving  
15 any matter within the authority of the lupon shall be filed or  
16 instituted directly in court or any other government office for  
17 adjudication, unless there has been a confrontation between the  
18 parties before the lupon chairman or the pangkat, and that no  
19 conciliation or settlement has been reached as certified by the  
20 lupon secretary or pangkat secretary as attested to by the lupon or  
21 pangkat chairman or unless the settlement has been repudiated by  
22 the parties thereto.

23 (b) Where Parties May Go Directly to Court. - The parties may go  
24 directly to court in the following instances:

1 (1) Where the accused is under detention;

2 (2) Where a person has otherwise been deprived of  
3 personal liberty calling for habeas corpus proceedings;

4 (3) Where actions are coupled with provisional remedies  
5 such as preliminary injunction, attachment, delivery of  
6 personal property, and support pendente lite.

7 (c) Conciliation among members of indigenous cultural  
8 communities. - The customs and traditions of indigenous  
9 cultural communities shall be applied in settling disputes  
10 between members of the cultural communities.

11  
12 SECTION 2. *Separability Clause.* - If any provision, or part hereof is held invalid  
13 or unconstitutional, the remainder of the law or the provision not otherwise  
14 affected shall remain valid and subsisting.

15 SECTION 3. *Repealing Clause.* - Any law, presidential decree or issuance,  
16 executive order, letter of instruction, administrative order, rule or regulation  
17 contrary to or inconsistent with, the provisions of this Act is hereby repealed,  
18 modified, or amended accordingly.

19 SECTION 4. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after  
20 its publication in at least two (2) newspapers of general circulation.

21 Approved.