

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

SENATE
OFFICE OF THE SECRETARY

JUL 19 1993

SENATE
S. No. 1606

RECEIVED BY 

Introduced by Senator Miriam Defensor Santiago

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.¹


MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed in the Fourteenth Congress, Second Regular Session

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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 NUMBER
4 SEVEN THOUSAND ONE HUNDRED SIXTY, OTHERWISE KNOWN AS THE LOCAL
5 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 Code
11 Of 1991 is hereby amended to read as follows:

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

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

24 (1) Where the accused is under detention;

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

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

6 (c) Conciliation among members of indigenous cultural communities. -

7 The customs and traditions of indigenous cultural communities shall be
8 applied in settling disputes between members of the cultural
9 communities.

10
11 SECTION 2. *Separability Clause.* – If any provision, or part hereof is held invalid or
12 unconstitutional, the remainder of the law or the provision not otherwise affected shall
13 remain valid and subsisting.

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16 inconsistent with, the provisions of this Act is hereby repealed, modified, or amended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

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

20 Approved.