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SENATE
S. No. **1335**

RECEIVED BY: *jos*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Local Government Code, Section 412, paragraph (b) (4) provides:

SEC. 412. Conciliation. - ... (b) Where Parties May Go Directly to Court. - The parties may go directly to court in the following instances: ...

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

The above 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. *Procedure for Amicable Settlement.* - ... (c) *Suspension of prescriptive period of offenses* - **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 (Emphasis Supplied).

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

acc. *Miriam Defensor Santiago*
MIRIAM DEFENSOR SANTIAGO

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

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AN ACT

PROMOTING BARANGAY JUSTICE BY AMENDING SECTION 412 OF REPUBLIC ACT
NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991

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

SECTION 1. Section 412 of Republic Act No. 7160, otherwise known as the Local
Government Code of 1991, is hereby amended by deleting item (4) of paragraph (b), to read as
follows:

SECTION 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:

- (1) Where the accused is under detention;
- (2) Where a person has otherwise been deprived of personal liberty
calling for *habeas corpus* proceedings; **AND**
- (3) Where actions are coupled with provisional remedies such as
preliminary injunction, attachment, delivery of personal property,
and support *pendente lite*.

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

2 The customs and traditions of indigenous cultural communities shall be applied
3 in settling disputes between members of the cultural communities.

4 SECTION 2. *Repealing Clause.* - Any law, presidential decree or issuance, executive
5 order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent
6 with the provisions of this Act is hereby repealed, modified, or amended accordingly.

7 SECTION 3. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
8 publication in at least two (2) newspapers of general circulation.

Approved,

U. P. E. O. O.