Katarungang Pambarangay

Caraga promotes access to legal aid via barangay justice system
Filipinos traditionally seek the help of older members of the family, community elders, or tribe leaders in resolving disputes among members of the same family or community.

So integrating and formalizing this practice in the Katarungang Pambarangay (KP) has expanded and enhanced the ready access of people in that barangay to legal and paralegal services.

The barangay is the basic unit of government in the Philippines and is headed by an elected chairperson (Punong Barangay) and his or her councilors. The Chairperson ensures the effective functioning of the Katarungang Pambarangay (Barangay Justice System) and heads the Lupon Tagapamayapa (group of mediators) in his or her barangay.

Initial challenges

“It isn't that simple,” says Lucy Rico, the bae (a title of leadership given to a female leader) of the Manobos in the town of Esperanza in Agusan del Sur, Caraga.

“We, the Manobos, have our ways. The Lupon Tagapamayapa also has its ways. For example, the Lupon has no authority over offenses with a maximum penalty of one year and a fine exceeding Php 5,000. We have no such limit she points out.

Under the KP, conflicts usually go through mediation by the barangay captain or conciliation by a panel.
whose membership includes residents of good moral standing and known probity in the community.

But since IPs have distinct traditional practices of settling disputes, they usually do not raise their complaints to the KP system. “Lawyers do not really attend to us nor do they fully understand our culture.”

Training for culture sensitivity and mediation

Meanwhile, Charissa Guerta, chief of the Local Government Capacity Development Division of Caraga and Officer-in-Charge/Director of the Department of Interior and Local Government (DILG) Butuan City, admits that most of the people in her team and in the barangays are not familiar with the culture of the IPs.

“We need to familiarize ourselves with and be more sensitive to the IPs’ beliefs and practices to support the KPs’ expanded coverage at the barangay level. We also need to improve the way we mediate conflicts” she says.

COSERAM has provided capacity-building interventions to Guerta’s team. So far, 12 pilot barangays have undergone trainings by the DILG that have enabled them to mediate
conflicts in gender-responsive, child-friendly, and culture-sensitive ways. They have also been equipped to ensure proper monitoring of the KP’s legal and paralegal aid services.¹

Guerta says the barangay officials appreciate the trainings. “They have come to terms with the things they need to improve on for them to be more conflict-sensitive and responsive to the needs of the people in their barangays.”

Romualdo Bibera Jr., Barangay Chairperson of Barangay Cayawan, Malimono, Surigao del Norte, shares that the mediation and non-violent communication skills he learned have helped him to effectively mediate disputes raised through the KP.

Barangay Secretary Juralyn Ampusta agrees. She says that she has become mindful of her words and tone in addressing angry complainants. “If I can control myself, I can help others minimize the conflict situations facing them,” shares Ampusta.

“This is of great help because we’ve never done this until we learned through COSERAM about Non-Violent Communications - observation, feelings, needs and requests” she adds.

This form of non-violent communication is effective and speeds up mediation because the parties involved are allowed their full say while the barangay chairperson observes them. “Then, he clarifies with

them their grievances and how they feel before asking them what they need and want,” Ampusta says.

**Conflict resolution process**

An important component to making the KP work is increasing recognition of indigenous processes to resolve disputes between and among IPs and non-IPs.

Rico says that, in her community, the police and local government officials defer to the tribal council on cases involving Manobos. They step in only if there is an endorsement from the Manobos themselves. It works because most of them belong to the same tribe.

“We recognize that IPs have ways of resolving conflict,” Guerta says. Thus, members can choose to settle their dispute through their council of datus or elders or through the KP system. “Should they choose the former, the tribal council are advised to record and notify the barangay of the outcome,” she adds.

Guerta says they will soon finalize a KP Guide which would include training modules for the use of Local Government Operation's Officers (LGOOs), barangay chairpersons, volunteer lawyers and law students to make the KPs effective. This upcoming KP Guide is also being supported by GIZ-COSERAM.

**Access to legal assistance**

Complementing efforts to strengthen the Katarungang Pambarangay is the improvement of access to developmental legal aid and paralegal services for marginalized groups, through the academe.

Improved rights awareness, and effective legal assistance and paralegal services are provided by volunteer lawyers of the Integrated Bar of the Philippines (IBP), while marginalized communities have access to legal aid programs of academic institutions, such as...
Two guides have already been produced: one on implementing a gender-responsive, child-friendly, culture- and conflict-sensitive *Katarungang Pambarangay* and another on establishing a Conflict Sensitive/Conflict Transformative legal aid program together with a manual of operations. Both were technically supported by COSERAM.

Rico, who also serves as COSERAM consultant and resource person, appreciates the opportunity to promote understanding of her tribe’s customary laws, the Indigenous Peoples’ Rights Act and their right to Free and Prior Informed Consent, among others.

She believes that in the long term, it would help these future lawyers if they are able to gain deeper understanding of the IPs customs, laws and practices. “In the end, we will be their potential clients.”

ULAP has already been accepting cases brought before it by ICCs/IPs. These cases concern conflicts over resource use, human rights (mainly involving IPs) and assertion of IPs of their other rights in IPRA, such as identity, and involvement in public decision-making.

These cases are now being managed by ULAPeers –FSUU law students– who can appear in lower
courts and quasi-judicial bodies. The Supreme Court recognized ULAP as the accredited Legal Aid Clinic of FSUU in August 2015. To date, ULAP has provided legal assistance to 243 communities throughout Caraga.4

Caraga Regional Director of DILG Lilibeth Famacion acknowledges that under the COSERAM program, efforts have been made to strengthen and enable the barangay-based institution to address all sectors within the region. “We are proud to say that it is only in Caraga that the KP has been tailored for all sectors.”

“By giving respect and consideration and by acknowledging the different cultures in this region, our Katarungang Pambarangay can help reduce the number of indiscriminate filing of cases in court, and also help maintain good relations, making for a stronger community,” she said.

FSUU’s ULAP also conducts rights awareness trainings in barangays.

SUMMARY