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ADMINISTRATIVE SUPERVISION OF PUNONG BARANGAYS IN THE IMPLEMENTATION OF KATARUNGANG PAMBARANGAY LAW IN THE MUNICIPALITY OF BACACAY, ALBAY

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ABSTRACT

Republic Act 7160 otherwise known as the Local Government Code of 1991 provides the Katarungang Pambarangay Law or the Barangay Justice System as an extra governmental mechanism aims at perpetuating the time-honored tradition of amicably settling interpersonal disputes in a community without the recourse to the formal legal system or confrontational social behavior. Such law is being applied and implemented in order to address the complaints of the residents in the community and amicably settle such disputes in the barangay level. The purposes of this study were to determine the profile of the respondents, ascertain the procedures in administrative supervision of complaints, and determine the performance of the Lupong Tagapamayapa members in their administrative supervision of the Katarungang Pambarangay Law, challenges encountered and to create action plan to address the identified problems. Documentary data analysis using multi-mixed method of research was used to analyze and interpret the data. Also, Focused Group Discussion (FGD) was employed, and data were gathered through the conduct of interview and document analysis. The study revealed that Lupong Tagapamayapa Members lack legal knowledge and acquaintance with existing laws that apply to the settlement of disputes. Therefore, some party to disputes was arrogant and unreasonably adamant on their stand and would not listen to the advice given by the Lupon Tagapamayapa Members.

KEYWORDS: Administrative Supervision, Implementation, Katarungang Pambarangay Law.

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INTRODUCTION

As the world faces a significant upward trend in conflict including a tripling of civil wars since 2007 and conflict increasingly prevalent in middle-income countries practitioners in peace and security seeks to expand their toolkits to take advantage of the revolution in information gathering,

data analytics, ICTs, and machine learning. A range of actor's multilateral organizations like the United Nations, governments, non-governmental organizations (NGOs), and the private sector continue to invest in the capacity to make better use of data to promote peace and According to the Center on International Cooperation (2018) if the current trends persist by 2030 more than half of the world's poor will be living in countries affected by high levels of violence. Yet, resources devoted to peace building and prevention represent only a fraction of those for crisis response and reconstruction. Similarly, while the new international frameworks for development, humanitarian action, and peace and security have highlighted the need to focus on peace, justice and inclusion, little has changed in practice. The member states affirm the centrality of peace and prevention, first through their commitment to "foster peaceful, just and inclusive societies" in the 2030 Agenda, and then with the twin resolutions on Peace building and Sustaining Peace. Recent research and analysis, including the UN World Bank study Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict and the new report The Missing Peace: Independent Progress Study on Youth, Peace and Security, have reaffirmed the necessity of mechanisms for addressing difference and grievances, of strengthening social resilience, and supporting processes that increase trust and inclusion.

Despite this growing body of evidence, in many cases governments are pursuing security using militarized approaches, either in the absence of, or in isolation from, policies that decrease exclusion and inequality core drivers of conflict. This has been accompanied by an eroding commitment to long-term multilateral approaches to global challenges. Rather than embracing diversity, many governments are actively seeking to shrink the already limited space available to civil society actors, locally, nationally and in international settings. If we are to have a hope of eliminating extreme poverty, fostering sustainably peaceful and prosperous societies worldwide, and addressing conflict and its roots, then governments need to urgently re-align their priorities.

In an article of World Report (2019) Vietnam's appalling human rights record worsened in 2018 as the government imprisoned dissidents for longer prison terms, sanctioned thugs to attack rights defenders, and passed draconian laws that further threaten freedom of expression. The Communist Party of Vietnam monopolizes power through the government, controls all major political and social organizations, and punishes people who dare to criticize or challenge its rule. Basic civil and political rights including freedom of expression, association, and peaceful public assembly are severely restricted. Independent media is not allowed as the government controls TV, radio, newspapers, and other publications. Vietnam prohibits the formation of independent labor unions, political associations, and human rights organizations. Police frequently use excessive force to disperse peaceful public protests that criticize the government.

Activists questioning government policies or projects, or seeking to defend local resources or land, face daily harassment, intrusive surveillance, house arrest, travel bans, arbitrary detention, and interrogation. Thugs, apparently collaborating with police, have increasingly launched physical attacks against activists with impunity. Police subject dissidents to lengthy and bullying interrogations, and detain them incommunicado for months without access to family members or legal counsel. Communist Party-controlled courts receive instructions on how to rule in criminal

cases, and have issued increasingly harsh prison sentences for activists convicted on bogus national security charges.

In order to reduce the load of the lower courts, local committees of citizens called Pacification Committees (LuponTagapamayapa) is being organized to effect extrajudicial settlement of minor cases between barangay residents (Britaica (2000)).In this way, in each committee there is a conciliation body or the so-called Pangkat Tagapagkasundo wherein its main function is to bring opposing parties together and effect amicable settlement of differences. As stated in the rules, the committee cannot impose punishment, but otherwise its decisions are binding.

Furthermore, feuding neighbors do not need to go to the courts right away to settle their disputes because they can seek help in their own barangays through their Lupon Tagapamayapa (DILG, 2019). Thus, under the Local Government Code, there shall be a Lupon Tagapamayapa in each barangay composed of the punong barangay as chairman and 10 to 20 members who are residing or working in the barangay, are not otherwise expressly disqualified by law, and possessing integrity, impartiality, independence of mind, sense of fairness, and reputation for probity.

The lupon has the following functions: (a) Exercise administrative supervision over the conciliation panels (b) Meet regularly once a month to provide a forum for exchange of ideas among its members and the public on matters relevant to the amicable settlement of disputes, and to enable various conciliation panel members to share with one another their observations and experiences in effecting speedy resolution of disputes; and (c) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance in a particular barangay in every municipality in the country.

In this effect, according to Philippine Information Agency (2018) in Tagurong City, Sultan Kudarat some 300 village leaders in the 20 barangays attend training that aims to improve their implementation of the Katarungang Pambarangay Law. The training involves members of the Lupon Tagapamayapa, composed of barangay officials and community leaders. The course covers the discussions on the implementing rules, regulations, and procedures of the Katarungang Pambarangay (KP) Law. The participants are also introduced to the KP forms specific to every action that will be carried out by the Lupon. They also learn about their powers, duties, and functions, and scope of authority as members of the Lupon Tapamayapa. On the other hand, it provides inputs on anti-violence against women and children for a clearer perspective on what barangay officials can do to facilitate better response mechanisms in cases involving these sectors. Lupon Tagapamayapa is a body organized in every barangay composed of the punong barangay as chairman and not less than 10 nor more than 20 members. Each member of the Lupon should be a bonafide resident of the barangay and is not holding an elective position. They are chosen because they possess personal characteristics that indicate their suitability for the task of conciliation of disputes.

In the aspect of legal basis, the study is supported by an act providing for a local government code of 1991 where in Section 2 states its declaration of policy (Law Phil). It is hereby declared the policy of the State that the territorial and political subdivisions of the State shall enjoy genuine and

meaningful local autonomy to enable them to attain their fullest development as self-reliant communities and make them more effective partners in the attainment of national goals. Toward this end, the State shall provide for a more responsive and accountable local government structure instituted through a system of decentralization whereby local government units shall be given more powers, authority, responsibilities, and resources. The process of decentralization shall proceed from the national government to the local government units. It is also the policy of the State to ensure the accountability of local government units through the institution of effective mechanisms of recall, initiative and referendum. It is likewise the policy of the State to require all national agencies and offices to conduct periodic consultations with appropriate local government units, nongovernmental and people's organizations, and other concerned sectors of the community before any project or program is implemented in their respective jurisdictions.

In the Province of Albay according to Serrano & Calipay (2018) the government campaign to end insurgency has received full support from members of the Bicol Regional Peace and Order Council (RPOC). The creation of a Regional Task Force to End Local Communist Armed Conflict (RTF-ELAC) would boost the delivery of basic services in identified insurgency-affected areas. In addition, the local government units would play a crucial role and do their share in relieving hundreds of villages in Bicol of the bondage of insurgency and poverty.

Not only in the Municipality of Bacacay, Albay that the Katarungang Pambarangay Law is being applied and implemented in order to address the complaints among the residents in the community, and amicably settle such disputes in the barangay level, but also in all the barangays all over the Philippines.

It is believed that in the Municipality of Bacacay, Albay, there are various problems in the implementation of the Katarungang Pambarangay Law. These disputes are referred to the Punong Barangay through the mediation process and others are referred to Lupong Tagapamayapa for conciliation settlement in the Barangay level.

Punong Barangays who are the chairpersons of the Lupong Tagapamayapa find difficulty in resolving the cases brought before them. Moreover, confrontations of both parties tend to have the amicable settlement through arbitration and repudiation process.

In addition, some disputes result to secure certification to file action into courts when no amicable settlement happened. These processes involve the amicable settlement between the complainant and the respondent with the failure of following a certain agreement of both parties.

In order to find out the effectiveness of such law in the entire municipality of Bacacay, Albay, hence, this study aims to determine the performance in the administrative supervision of Katarungang Pambarangay Law in the Municipality of Bacacay, Albay from 2016 to 2020.

FRAMEWORK

This study utilizes the systems approach consisting of three parts: the input, process and output. The inputs include the profile of the respondents in terms of age, sex, civil status, and educational attainment, seminars and trainings attended, the procedures in the administrative supervision of complaints, along, filing of complaints, and scheduling of hearing of the complaints, and the performance of the Lupong Tagapamayapa members in their administrative supervision of the Katarungang Pambarangay Law Albay in terms of nature of complaints filed by the residents, number of disputes conciliated and amicably settled, and the number of cases elevated to the court for failure to be settled amicably

The input of the study consists on Problems encountered in the implementation of Katarungang Pambarangay Law, and the process consists of distribution of questionnaire, gathering of data, analysis and the interpretation of data, and the output consists of the effective delivery of the services. The Propose recommendations that may be suggested by the Lupong Tagapamayapa members and by the parties to the disputes as regards the effective settlement of disputes

OBJECTIVES

The study determined the performance of Lupong Tagapamayapa members in the administrative supervision of Republic Act 7160 otherwise known as the Katarungang Pambarangay Law in the entire Municipality of Bacacay, Albay for the Fiscal Years, 2016-2020. Specifically, it aimed to: Determine the profile of the respondents in terms of: Age, Sex, Seminars and Training Attended, and Educational Attainment. Ascertain the procedures in the administrative supervision of complaints, along: Filing of Complaints, and Scheduling of Hearing of the Complaints. Determine the performance of the Lupong Tagapapayapa members in their administrative supervision of the Katarungang Pangbarangay Law in the Municipality of Bacacay, Albay in terms of: Nature of complaints filed by the residents, Number of disputes conciliated and amicably settled, and Number of cases elevated to the court for failure to be settled amicably. Problems encountered in the implementation of Katarungang Pambarangay Law. Propose recommendations that may be suggested by the Lupong Tagapamayapa Members and by the parties to the disputes as regards the effective settlement of disputes

METHODOLOGY

The study employed the documentary data analysis using multi-mixed method of research. Focused Group Discussion (FGD) was also used in this study. The study made an inquiry on the administrative supervision of the Katarungang Pambarangay personnel in the implementation of the Katarungang Pambarangay Law in the Municipality of Bacacay, Albay.

This study used the survey questionnaire as the main instrument in data gathering. The researcher used the local authorities in validation of the survey questionnaire. Upon presentation of the survey questionnaire, the local authorities check and validated the survey questionnaire. The questionnaire had five parts. Part I focused on the profile of the respondents; Part II referred to the procedures in the administrative supervision of Katarungang Pambarangay law; Part III tackled on the performance of the Lupong Tagapapayapa members in their administrative supervision of the Katarungang Pambarangay Law; Part IV on Problems encountered in the implementation of

Katarungang Pambarangay Law, and Part V presented the proposed recommendations that may be suggested by the Lupon Members and by the parties to the disputes as regards the effective settlement of disputes.

The researcher personally sought permission from the Office of the Punong Barangays in the Municipality of Bacacay, Albay to conduct the study. Upon approval, the researcher asked the records from the barangay secretary. The researcher administered the distribution of the questionnaires to the respondents and requested them to answer all the items as honestly as possible. The researcher personally retrieved the questionnaires. The gathered data were tabulated and tallied, and computed to determine the perceptions of the respondents.

RESULT AND DISCUSSION

The result showed that form among the cases brought before the Lupon Tagapamayapa of the barangays, responsibility of the respondents without injuries, thefts and robberies were conciliated and amicable settled. This was followed by personal debts and collections. These cases were the various problems brought before the office of punong barangay and the lupon tagapamayapa.

With these problems encountered by the punong barangay and the lupon tagapamayapa the researcher opted to prepare an action plan designed to serve as means for effective and efficient settlement of various disputes. This action plan contained the objectives and strategies to be attained for every area of concern to enhance the competency of the lupon tagapamayapa. Specific activities and expected outcomes for each goal were developed in consultation with those would be doing the part during the implementation of areas of concern.

CONCLUSIONS

Based from the findings of this study, the following conclusions are drawn: The profile of the respondents varied, there were some problems met by the complainants in compliance to filing fee, majority of the complaints were on the aspects of responsibility of participants without injuries, there were problems encountered in the implementation of the katarungang pambarangay law and formulation of action plan is essential.

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