

City of Tuguegarao

OFFICE OF THE SECRETARY TO THE SANGGUNIAN

Dr. Rosalinda P. Callang
Secretary to the Sanggunian
Sangguniang Panlalawigan, Province of Cagayan
Capitol Hills, Tuguegarao City

Madam:

February 23, 2017

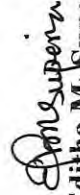


Pursuant to Section 54 of the Local Government Code, we are now submitting for review and action the attached legislative measure enacted by the Seventh City Council of Tuguegarao City during their 28th Regular Session held on February 21, 2017, to wit:

- 1. CITY ORDINANCE NO. 04-2017 – “AN ORDINANCE STRENGTHENING THE KATARUNGANG PAMBARANGAY SYSTEM OF THE CITY OF TUGUEGARAO, ESTABLISHING FOR THAT PURPOSE THE FEDERATION OF LUPONG TAGAPAMAYAPA OF TUGUEGARAO CITY, MANDATING A CONTINUING EDUCATION OF ITS MEMBERS, PROVIDING INCENTIVES MECHANISM, APPROPRIATING FUNDS AND FOR OTHER PURPOSES”**

Thank you.

Yours truly,


Editha M. Supeña
Administrative Officer V
Acting Assistant Secretary to the Sanggunian



Republic of the Philippines
 PROVINCE OF CAGAYAN
 City of Tuguegarao



SEVENTH CITY COUNCIL

EXCERPTS FROM THE MINUTES OF THE 28th REGULAR SESSION
 OF THE SEVENTH CITY COUNCIL OF TUGUEGARAO CITY, CAGAYAN
 HELD ON FEBRUARY 21, 2017, 9:00 A.M., TUESDAY,
 AT THE SANGGUNIANG PANLUNGSOD SESSION HALL

PRESENT:

Hon. Jude T. Bayona	Acting City Vice Mayor, Presiding Officer
Hon. Kendrick S. Calubaquib	Sangguniang Panlungsod Member
Hon. Maila Rosario T. Que	-do-
Hon. Arnel T. Arugay	-do-
Hon. Gilbert S. Labang	-do-
Hon. Winnoco R. Abraham	-do-
Hon. Imogen Claire M. Callangan	-do-
Hon. Mary Marjorie P. Martin-Chan	-do-
Hon. Raymund P. Guzman	-do-
Hon. Grace B. Arago	-do-
Hon. Anthony C. Tuddao	-do-
Hon. Jose Pedro G. Velasco	-do-

CITY ORDINANCE NO. 04-2017

AN ORDINANCE STRENGTHENING THE KATARUNGANG PAMBARANGAY SYSTEM OF THE CITY OF TUGUEGARAO, ESTABLISHING FOR THAT PURPOSE THE FEDERATION OF LUPONG TAGAPAMAYAPA OF TUGUEGARAO CITY, MANDATING A CONTINUING EDUCATION OF ITS MEMBERS, PROVIDING INCENTIVES MECHANISM, APPROPRIATING FUNDS AND FOR OTHER PURPOSES

Sponsor: **Hon. Mary Marjorie P. Martin-Chan**

Co-Sponsors: **Hon. Gilbert S. Labang**
Hon. Jose Pedro G. Velasco
Hon. Arnel T. Arugay
Hon. Maila Rosario T. Que
Hon. Raymund P. Guzman

WHEREAS, the 1987 Constitution of the Philippines provides for the right of every Filipino citizen to adequate legal assistance and access to the judicial system. Section 11 of Article III states that “Free access to the court and quasi-judicial bodies and adequate legal assistance shall not be denied to any person by reason of poverty.” However, court access remains to be a huge problem to Filipinos due to lack of financial capacity;

WHEREAS, the creation of the Lupong Tagapamayapa by virtue of the Local Government Code of 1991 plays a vital role in the Philippine Judicial System and is considered as among the most effective and most efficient mechanisms in resolving disputes among individuals, avoiding the animosity caused by long, expensive and usually delayed court cases between members of the community and, consequently, improving the quality of justice in our society;

WHEREAS, pursuant to DILG Memorandum Circular No. 2016-58 dated April 29, 2016 reiterating and supplementing DILG Memorandum Circular No. 2008-102 dated June 17, 2008 relative to the Lupong Tagapamayapa Incentives Awards Enhanced Criteria and Guidelines, the Lupong Tagapamayapa Incentive Awards aims to strengthen the Katarungang Pambarangay as an indigenous conflict resolution structure at the grassroots level, institutionalize a system of granting economic benefits and other incentives to Lupong Tagapamayapa which demonstrate exemplary performance and generate greater awareness among and support from the various sectors of the Philippine society on the Katarungang Pambarangay as a potent vehicle toward social ordering and human development;

WHEREAS, Section 421 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, provides that the chief executive shall ensure the efficient and effective implementation and administration of the Katarungang Pambarangay;

WHEREAS, Section 422 of the same law states that such amount as may be necessary for the effective implementation of the Katarungang Pambarangay shall be provided for in the city's annual budget;

WHEREAS, the creation of a Lupon Federation in Tuguegarao City is essential to improve the implementation of strengthening the justice system in the grassroots level. It would envision a peaceful and progressive community brought about by competent Lurons who would help community members resolve conflicts amicably and dispense justice in a professional way;

WHEREAS, with a working barangay justice system in place, it would result to a more harmonious and peaceful administration of justice which could help a community surmounted with files of court cases barely moving that can easily be resolved through the grassroots justice system;

WHEREAS, the Department of the Interior and Local Government (DILG) and the Department of Justice (DOJ) conduct the Lupon Tagapamayapa Incentive Awards annually which seeks to give due recognition to Lurons which have showed exemplary performance in exercising the time-honored tradition of amicably settling disputes among barangay constituents;

WHEREAS, the City Government of Tuguegarao will boost the performance of all Lupon Tagapamayapa in the city by encouraging them to be among the best in the country pursuant to the criteria set by the DILG and DOJ and through giving them additional incentives by meeting the same;

WHEREAS, advancing the efficacy and responsiveness of implementation of the Katarungang Pambarangay by giving the respective Lupon Tagapamayapa of the forty-nine (49) barangays of Tuguegarao City ample means of motivation to excel further in performing their duties and responsibilities will propel the city towards inclusive, robust and comprehensive socioeconomic development. Hence, this ordinance:

NOW, THEREFORE, RESOLVE, as it is hereby **RESOLVED**, that City Ordinance No. 04-2017 shall be enacted as follows:

SECTION 1. TITLE. This local legislation shall be known as the "Lupon Ordinance of Tuguegarao City."

SECTION 2. DECLARATION OF POLICY. The City of Tuguegarao fully subscribes to the national government's policies and programs relative to the Katarungang Pambarangay or Barangay Justice System.

The strengthening enhancement and effective implementation of the same in local governments is imperative in order to ensure that disputes and conflicts are resolved in the barangay level, thereby helping in eliminating congestion of cases in the judicial court system. The same is also essential in warranting a speedy, just, impartial and reliable disposition of disputes among community members in the promotion of peaceful and harmonious relationships.

SECTION 3. DEFINITION OF TERMS. For purposes of this ordinance, the following terms shall mean:

- a. Katarungang Pambarangay or Barangay Justice System is a barangay-based mechanism of amicably settling disputes between members of the same community through the intervention of their peers – the Punong Barangay and the members of the Lupon Tagapamayapa.
- b. Lupon Tagapamayapa or Lupon is the body organized in every barangay composed of the punong barangay as Chairman and not less ten (10) nor more than twenty (20) members from which the members of every Pangkat shall be chosen. It is that group of mediators or conciliators in the barangay who acts as facilitators and sometimes as arbitrators in order that disputing parties may find mutually acceptable solution to their conflicts and differences.

SECTION 4. INCORPORATION CLAUSE. The provisions of the Katarungang Pambarangay Law, from Sections 399 to 422, Chapter 7, Title One Book III and Section 515, Title One, Book IV of Republic

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Act No. 7160, otherwise known as the Local Government Code of 1991 together with the Katarungang Pambarangay Rules promulgated pursuant thereto are hereby considered written in this ordinance.

Notwithstanding the established rules and procedures, the city's Lupong Tagapamayapa is encouraged to be more innovative in the manner and ways of settling disputes cognizable by Lupon to ensure that peace in the community is truly promoted and harmonious relationships among community members is restored and/or maintained.

SECTION 5. THE LOCAL CHIEF EXECUTIVE. Pursuant to Section 421 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, the City Mayor shall be in the forefront of ensuring the efficient and effective implementation and administration of the Katarungang Pambarangay or Barangay Justice System in the forty-nine (49) barangays of the city. In the discharge of such mandate, he shall be assisted by the Lupon Federation Officers and the Lupon adviser herein established.

SECTION 6. THE LUPON FEDERATION AND ITS FUNCTIONS. There will be established a Federation of Lupon Tagapamayapa Members of Tuguegarao City, hereinafter referred to as Lupon Federation, not later than two (2) months from the approval of this Ordinance. The Federation shall come up with its own Constitution and By-Laws within one (1) month from the election of its officers.

The Federation shall perform the following functions:

1. To solicit active participation and ensure full cooperation among Lupon members for causes beneficial to the people as well as to the members themselves;
2. To coordinate Lupong Tagapamayapa affairs, including the conduct of a continuing education seminar or skills training by its members;
3. To provide Lupon members a venue for constructive discussion of the needs and problems affecting them and the people they serve;
4. To assist the city and the barangay in the efficient and effective implementation and administration of the Katarungang Pambarangay; and,
5. To approve and implement policies, projects, programs and activities for the welfare and upliftment of all the personnel involved in the implementation of the Lupong Tagapamayapa.

The Local Government of Tuguegarao City shall support and recognize the Lupon Federation as such and shall help promote its continuous growth and development.

SECTION 7. FEDERATION OFFICERS, ADVISER AND SECRETARIAT. The City Legal Officer or any other person designated by the Mayor shall convene all members of the Lupon Federation and conduct the election of officers with fifteen (15) days from its official establishment.

7.1. Officers – The responsible officials of the Lupon Federation who shall carry out the above functions and address operational issues shall be the following:

- i. President
- ii. Executive Vice President
- iii. Internal Vice President
- iv. External Vice President
- v. Secretary
- vi. Treasurer
- vii. Auditor
- viii. Public Information Officer
- ix. Liaison Officer
- x. 49 Barangay Representatives

7.2. Adviser – The Lupon Federation shall take legal and directional guidance from the City Legal Officer

7.3. Secretariat. The operational and secretariat requirements of the federation shall be provided by the adviser's personnel and the Liga ng mga Barangay representative in the City Council

SECTION 8. SEMINARS AND TRAININGS. To ensure that Lupon Chairmen, members, secretaries and process servers are conversant with the applicable law, rules, regulations and jurisprudence as well as

possessing the necessary mediation, conciliation, arbitration, counselling and appropriate skills, the conduct of seminars and/or trainings for the purpose is herein mandated.

Thus, the City Government in partnership and coordination with the Lupon Federation and the Liga ng mga Barangay, shall conduct the following every three (3) years:

1. Within three (3) months after the constitution of all the Lupon – a Capability Building Seminar for all Punong Barangays, Lupon Members and Barangay Seminar for all Punong Barangays, Lupon Members and Barangay Secretaries which shall include discussion on the Katarungang Pambarangay Law, Lupon Tagapamayapa, Parties, Jurisdiction and Venue, Procedure for Amicable Settlement, Execution and Katarungang Pambarangay
2. Simultaneous thereto or within six (6) months after such constitution –
 - i. Skills Training on Mediation, Conciliation and Arbitration as well as Counselling for the same Punong Barangays and Lupon Members; and,
 - ii. A seminar or training on the service of summons and other proceedings for process servers
3. Anytime within the three (3) year period –
 - i. Seminar or a refreshers' course on Katarungang Pambarangay Updates and related jurisprudence; and,
 - ii. Such other trainings or seminars as may be necessary

The Local Government of Tuguegarao shall also provide assistance and encourage all the Lupon Tagapamayapa of the forty-nine (49) barangays in the City to perform excellently, in order for them to qualify to the Lupon Tagapamayapa Incentives Awards of the Philippines as mandated by Executive Order No. 394, s. 1997.

The Department of the Interior and Local Government (DILG), Public Attorney's Office (PAO) and Integrated Bar of the Philippines-Cagayan Chapter (IBP) shall give technical support and assistance for the trainings and seminars of the Lupon Members in the City. The PAO and IBP through their legal aid program shall give advice and legal opinion on delicate and complicated matters involving questions of law encountered by the Lupon Members on cases brought before the barangay. In addition, the PAO and IBP shall likewise assist and provide legal assistance to indigents and qualified clients whose case had originated from the barangay and was later on filed before a court, tribunal and quasi-judicial agencies.

SECTION 9. PROGRAMS AND ACTIVITIES IN THE BARANGAY. Each Lupon Tagapamayapa is encouraged to undertake programs and activities in the barangay to effectively carry out its mandate as well as to improve the community's respect, reliance and knowledge of the lupon's purpose and credibility.

It is further recommended that the names and photographs of all the Members of the Lupon and the Chairman shall be displayed in a conspicuous place in the barangay hall.

SECTION 10. AWARDS AND INCENTIVES. With the assistance of the City DILG, the Lupon Tagapamayapa in the forty-nine (49) barangays of the city shall be rated and ranked pursuant to the guidelines and criteria provided in the Lupon Tagapamayapa Incentives Awards of the DILG annually.

The Lupon Tagapamayapa which will win in the City Level of the National Lupon Tagapamayapa Incentives Award (LTIA) shall be bestowed with a cash prize amounting to Forty Thousand Pesos (P40,000.00) and a plaque of recognition. Second (2nd) and Third (3rd) Placers shall receive Twenty Thousand Pesos (P20,000.00) and Ten Thousand Pesos (P10,000.00), respectively, and a plaque of recognition.

Another Ten Thousand Pesos (P10,000.00) shall be conferred to the Lupon Tagapamayapa which will be chosen as Regional Winner and will qualify to the National Lupon Tagapamayapa Incentives Award (LTIA) and another Ten Thousand Pesos (P10,000.00) if they win as the National LTIA.

Provided, however, that the not less than fifty percent (50%) of the cash prizes received by the barangay shall be utilized solely for the Barangay Lupon Operation.

In addition, the Lupon Tagapamayapa of a barangay who is performing well and has completely and satisfactorily complied with the guidelines set forth by the DILG may ask for cash gifts or incentives to the City Government subject to the availability of funds. The DILG shall assess and certify that the said Lupon Tagapamayapa of the barangay has been able to fulfill and satisfy its function effectively and efficiently in the grassroots level of the justice system.

SECTION 11. PENALTY CLAUSE. A Lupon member and/or Barangay Chair shall be charged for dereliction of duty under the revised penal code for failure or deliberate refusal to discharge his/her function without any valid and lawful cause. In addition, a Lupon member and/or Barangay Chair shall also be held administratively liable in accordance to existing laws, rules and regulations.

SECTION 12. APPROPRIATION. There shall be allocation made for budgetary requirements of this Ordinance as well as for the projects and activities of the Lupon Federation in the city's annual and/or supplementary budget.

SECTION 13. REPEALING CLAUSE. Any provision of ordinance, rules and regulations and/or parts thereof inconsistent with the provisions of this ordinance are hereby repealed and/or modified accordingly.


SECTION 14. SEPARABILITY CLAUSE. Should any portion or provision of this Ordinance be declared unconstitutional or invalid, the other parts or provisions thereof which are not affected thereby shall continue to be in full force and effect.

SECTION 15. EFFECTIVITY. This Ordinance shall take effect immediately upon its approval.


On motion of Hon. Mary Marjorie P. Martin-Chan, duly seconded by Hon. Arnel T. Arugay and with the inhibition of Hon. Imogen Claire M. Callangan, **CITY ORDINANCE NO. 04-2017** was **APPROVED** under suspended rules.

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I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING:


JOEL JOSEPH L. EGIPTO, Ph.D.
Secretary to the Sanggunian

ATTESTED:


HON. JUDE T. BAYONA
Acting City Vice Mayor
Presiding Officer

APPROVED:


HON. BIENVENIDO C. DE GUZMAN II
City Mayor
Date: 2/27/17

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