



Katarungang Pambarangay

Caraga promotes access to legal aid via barangay justice system



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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.



Lucy Rico, the bae (a title of leadership given to a female leader)

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



Charissa Guerta, chief of the Local Government Capacity Development Division of Caraga and Officer-in-Charge/Director of the DILG, Butuan City

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



Romualdo Bibera Jr., Barangay Chairperson of Barangay Cayawan, Malimono, Surigao del Norte

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

¹ "Achievements of COSERAM 2011-2014" <http://coseram.caraga.dilg.gov.ph/about/achievements-success-stories/#sthash.GzBKiqQ.dpbs>

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



Juralyn Ampusta, Barangay Secretary

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

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.”

as the Father Saturnino Urios University (FSUU)-Urian Legal Assistance Program (ULAP), Ateneo de Davao University (AdDU)-Ateneo Legal Services Office (ALSO), San Sebastian College Recoletos-Surigao City Campus (SSCR), and Liceo de Cagayan University – Liceo Legal Assistance Center (LiLAC). To sustain the services, civil service organizations partner with these academe-based legal aid programs.²

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.³ 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.

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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



Lilibeth Famacion, Caraga Regional Director of DILG

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.

² “Access to Legal Aid and Paralegal Services, Rights Awareness, and Conflict Transformation Mechanisms” <http://coseram.caraga.dilg.gov.ph/what-we-do/access-to-legal-aid-and-paralegal-services-rights-awareness/#sthash.Gd49z2Tk.dpbs>

³ “COSERAM 2015-2018” <http://coseram.caraga.dilg.gov.ph/coseram-2015-2018-2/#sthash.nyifdKv1.dpbs>

⁴ “Progress Report for a TC module within the context of a Development Measure,” COSERAM Annual Report 2016, page 10 <http://faspelib.denr.gov.ph/sites/default/files//DOCUMENTS/COSERAM%20Annual%20Rep%202016%20-%20Part%20A%20and%20B%20complete.pdf>



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

SUMMARY

Kung mahimong i-resolba sa barangay, ngano gung paabton pa sa korte? Mao kini ang tumong sa usa ka programa nga gimugna sa Caraga kung asa gipalig-on ang Katarungang Pambarangay o barangay justice system. Kaning paningkamot sa programa sa COSERAM (Conflict Sensitive Resource and Asset Management) naghinaot nga matagaan ug saktong serbisyong legal ang mga gitawag nga marginalized sama sa mga tribu o Indigenous People (IP), babaye, bata ug uban pa. Gatinabangay ang mga ahensya sa gobyerno, mga lider sa tribu ug ang mga organisasyon sa kumunidad, sama sa Father Saturnino Urios University (FSUU) pinaagi sa iyang legal assistance program nga matagaan ug saktong serbisyong legal ang tanan nga nanginahanglan. Usa kini sa nakitang pamaagi aron mamenos ang kagubot sa Caraga.

