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THE STRATEGIES OF LUPON TAGAPAMAYAPA IN RESOLVING DISPUTES

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ABSTRACT

The means of resolving disputes or conflicts in the contemporary justice system does not rests only on the power of the courts but also includes the traditional method like the involvement of elders of community to intervene under the barangay level. This study unravels the strategies of Lupon Tagapamayapa, of resolving disputes within their barangay level in the chosen barangays of La Trinidad, Benguet. The methods that were utilized to gather the data is the qualitative descriptive design, using interview-guide questions and follow-up interviews with the participants. The data collected was consolidated and interpreted by the researcher and utilized the descriptive analysis. Additionally, the unraveled strategies of the Lupon members in commonly filed disputes depend on the circumstances of a dispute being settled. Lupon may conduct an investigation and recommend a land survey before the scheduled hearing. At the same time, in case of the absence of legal documents, the lupon utilizes testimonies of elders that know the story of the land. Moreover, in other cases like collection suits for the sum of money and physical assault, the lupon encourages both parties to settle disputes and compensate for the damage or the borrowed money instead, to avoid the ordeal of the higher courts. Overall, the strategies that were employed by Lupong Tagapamayapa is a combination of the traditional methods and legal procedures of court.

KEYWORDS: *Strategies, Land disputes, Narrative, Thematic, Lupon Tagapamayapa, Restorative Justice, Alternative Dispute Resolution*

INTRODUCTION

Since there has been rapid growth in population and globalization there had been an interracial community, therefore the mixture of culture and clash of different perspectives breeds more conflicts which cannot be handled by the standard legal procedure. Thus, there is a need to look into more flexible means of resolving conflicts within the society such as in the barangay level. Considering the congested court dockets of cases due to variety of reasons, the courts cannot render justice in practical time, this implies proper justice is not rendered to those who deserved it. In the context of local community like the Igorots, though they also get involved in the resolution of conflicts, but the strategies are focused on traditional way that cannot be considered as fully effective. The existence of this gap between the cultures and traditions of Igorots and the standpoint of the criminology profession is slightly divergent. Therefore, the problem lies on the exploration of other methods in settling commonly filed disputes within the community such as the combination of traditional and legal procedures.

This study aimed to address the problem through the exploration of different strategies actually being implemented in the three different barangay level of La Trinidad, Benguet.

There are countless millions of people in the world who have little formally recognizable means for receiving any form of social justice. Poverty, war, violence, religious fundamentalism, corrupt political regimes, and many other inequalities control the lives of the world's most marginalized people, preventing them from improving on their circumstances. As a global society, we have often been incapable of understanding how to effectively address these situations beyond hoping for positive political change and, in some circumstances, using military options to produce that political change (Stobbe, 2011).

Since, the birth of the legal procedure of criminal justice system has evolved from traditional ways in resolving disputes by the elders, for instance, through the form of mediation, conciliation and arbitration. In America they have mediation through communication to resolve dispute. Mediation is a voluntary and confidential process where a neutral third party meets with the disputants and helps to open lines of communication so that the parties can arrive at a manually agreeable, fair, and workable resolution. A typical mediation session settles the case within one eight-hour session, saving the parties both time and money. However, in order for mediation to be successful, it is important for the mediator to understand how parties communicate. When carrying on an international mediation or even a domestic mediation with diverse parties, a mediator must take the cultural differences between the parties into consideration (Sgubuni, 2006).

On the other hand, Nigeria has been practicing humanitarian dialogue since 2013, initially in Plateau State and later in Southern Kaduna State in order to help the communities to address endemic conflicts. The dialogue process have led to the signing of landmark declarations in each state-The Declaration of Commitment to Peace in Plateau State, and The Kafanchan Peace Declaration in Kaduna State. Through these declarations, the communities have committed themselves to living in peace. This work has contributed to reinforcing traditional peaceful conflict resolution practices. Between 2014 and 2015, the networks has resolved more than 50 local conflicts across region and the overall number of conflicts in the area has decreased significantly (Mediation and Dialogue, n.d.).

As well as the Higaonon tribe in Northern Mindanao in Southern Philippines, they have retained up to this day its system of conflict resolution, locally called paghusay (meaning "to settle"). With its tribal council composed of a Supreme Datu (chieftain), 11 delegates, 3 baes (women delagates), and 25 alimaong (tribal police), they resolve all kinds of conflicts as long as these take place within their jurisdiction. Cases that reach the tribal authorities for possible resolution include thievery, fighting, murder, misunderstanding, adultery,

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land conflicts, contempt against rituals and conflicts involving rebels. The ability of the Higaonon to effectively solve internal conflicts has led them being described as a genuinely peace loving community and the "weavers of peace" (Conejero, B. 2020).

METHODS

There were eight participants who are members of the Lupong tagapamayapa from three barangays of La Trinidad, Benguet, who were selected based on the criterion that they have been participated in resolving disputes within the barangay level. Purposive sampling was used to identify the participants. This study utilized the qualitative descriptive design, using the interview-guide question and follow-up interview to the participants which was implemented through one-on-one interview. This study employed interviews utilizing semi structured interview guide questionnaire. The data that was gathered through interview-guide question and follow-up interview was consolidated and interpreted by the researcher. The researcher has utilized the descriptive analysis in unravelling strategies in resolving commonly filed disputes within the barangay level.

RESULTS AND DISCUSSION

The results, discussion, and interpretation of the data gathered from the informants were interpreted using coding and thematic analysis. Based on the findings on the strategies in resolving commonly filed disputes within community differs on case-to-case basis.

Land Disputes. The most revealed cases from the complaints were land dispute cases mentioned by the participants in their response to their strategies for resolving commonly filed disputes within their barangay. As Ms. Britney stated that *"Nu ada reklamo karkaru nu land dispute ket apan kami ag survey ijay both parties, tapos I explain mi met lang ijay both parties dagijay legal grounds na jay kaso da.* (If there is a complaint, especially a land dispute, we will conduct surveys of both parties and then explain the legal grounds of their case.)

It was also supported by the statement of Ms. Shania which is *"ada jay traditional way, nga kasla inpaun una met ti dati nga Lupon and then nu hearing syempre usaren mi dagijay evidences ti both parties, nu land dispute a. Kitaen nu anya ti problema, ngem mostly met ketdi ket tax declaration, isu lang ti kasla ipakpakita da nga ebidensya. Syempre ipadas mi ti kaugalian ngem nu evidences ket syempre government dajay. Mejo ag ited kami met ti advice panggep dagijay procedures met ti gobyerno, nainaynayun ti kaugalian, diyay ti ikasta mi, Mix ti ikasta mi idyay. Ngem mostly ket talaga nga syempre nu panggep ti lote ket nu panggep ti agkakabsat ket talaga nga equal da, unless nga ada ti kasla nga rason nga apay nga kasjay. Ngem diyay ti mostly nga kitaen mi jay both sides nu anya ti mabalin nga remejo na and then nu anya ti kasla nga agparparigat pay, dagijay evidence nga daytoy ket minention da kasjay, su ti pakita da met ket ijay kami nga agdesisyon". (*We do it in a traditional way, just like how they do it since then, and then eventually we would look into the evidences of both parties. If it is a land dispute case, we would look for the evidences like tax declaration because it is the evidence that was most likely that they have in possession. We do it in a traditional way but we consider the evidences properly. And then we would give them advises regarding laws and mixed with the traditions. It is a mixed approach. Mostly, the participants in land disputes are relatives like siblings that is why the sharing should be equal unless there is a reason why the other party should own a wider land. But we mostly look into the both sides story and then if it is getting harder to settle, we would look into the evidence presented then we would base our decision or suggestion from there.)

It was likewise supported by Barangay Captain Elvis who also mentioned that *"Mostly nga kaso ket dagitoy land dispute ket nu ada dagitoy lalakay ket mapaayaban isuda ti ag istorya ngay jay history, pagbasaran mi ta mostly gamin nu maminsan awan ti papel isunga ag rely kami ladta ditoy witnessess nu ada pay jay elders ta isu ti ikaskasta mi".* (Most cases are land disputes. Elders are being summoned as a witness to tell the story of the land in dispute, especially if that portion of land does not have legal papers. We would eventually depend on the elders' statement.)

In support with the statements of Based from the statements of Britney, Shania, and Elvis, most cases that are being filed at their Barangay level are Land dispute cases. It corroborates the results of the study conducted by Leeuwen and Haartsen (2005), which states that "in the country of Burundi, the level and scale of the disputes around land pose huge challenges to conflict resolution institutions. Legislation on land is inadequate, difficulties arise between the customary and 'official' system to administer land disputes, and the judicial system is not equipped to deal with the task placed upon it. The need to strengthen conflict resolution mechanisms to deal with land disputes is apparent. Various organizations have started programs to support the Tribunals, the Bashingantahe, or other institutions within the communities or have started their own structures.

Collection of Money. One of the commonly filed disputes within the barangay level is the collection suit for a sum of money. The statements below were their strategies for settling this type of case. As Ms. Britney stated that "*ada met karkarku nu panggep ti utang, isu gamin kaaduan nga kaso tadta nanipud pandemic. Madi dagijay lending ti agpa settle ket nu malpas ti tallo nga consecutive nga meeting keni Barangay captain tapos tallo met nga consecutive ijay Lupon ket awan maaramidan min ket I-forward min ijay police para iti higher court proceedings".* (There is sometimes, especially if the case is the collection of money by the lending companies. These were the most cases at the time of the pandemic. Lending companies refuse to settle at the barangay level. That is why after three consecutive hearings, the case will be forwarded to the Lupon, and then after three consecutive hearings from the Lupon, we have no choice but to forward them to the police for higher court proceedings.)

And it was confirmed by Mr. Elvis, as he stated that *"ti mostly ket land dispute ti kaaduan ken itadta ada jay collecting sum of money jay utang. Ti ikasta mi gayam ket pagpilien mi jay complainant ken respondent ijay member ti lupon tapos agpili kami met ti maysa, balle tallo da, maysa nga chairman, maysa nga secretary, ken maysa nga member, jay bawat case nu anya ti applicable isu ti kasla nga i apply mi, depende ijay kaso. Ngem mostly dagijay lending company ket haan da kayat agpa settle ijay barangay isunga sumang-at da".* (The most cases here would be the land dispute and the case of collecting money. Our one strategy is to let the complainant and the respondents choose each one from the members of the Lupon, and the Lupon would choose one from them also. Then we have three, one as a chairman, one as a secretary, and one as a member. In every case, if what strategy is applicable, then that would be the approach.

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It always depends on the case. But mostly, those lending companies don't want to settle their case in the barangay, and they prefer to go to a higher court.)

It was likewise corroborated by barangay captain Allan, as he stated that, "*Ti mostly nga mapmapan ijay court ket dagitoy ngay collection of sum of money ta jay daduma piman very dakkel met ti dawaten da nga porsyento jay kwarta, ngem I-ex explain ko met kanyada nga kasparigan nga nagtulagan da kanu ket 10% met, iti tulagan da, ngem nu haan nga na notarized ket haan nga valid diyay ngem nu na notarized diyay ket ada possibility na ngem ti minimum nga talaga nga masingir, ti porsyento ti kwarta ket 3% per annum. Isunga ti I ad advice ko ijay ket, nu la ketdi naisubli jay capital mo ket ada kadta ti bassit nga porsyento nga inted na ket mayaten dayta. Kasi nu ipapatim nga mapan ijay court ket maibus tu pay jay capital mo dita ket ag mayat da met".* (The most cases that are forwarded to court are these collection of sum of money cases, because there are some that really collects big percent of money but I always explain to them that for example, they have agreed that the interest of the money was ten percent, but if that agreement was not notarized then it is not valid. But if it was notarized then there is a possibility, but the minimum interest that should be applied in the percentage of money is three percent per annum. That is why I advised them that if the capital was already paid with little of interest then that should be enough because if they will proceed in court, the capital money would be expended too, then both parties would agree.)

The statements of Ms. Britney, Mr. Elvis, and Barangay Captain Allan reflected that one of the highest complaints within their barangay level was the collection of money. Since it has been an issue recently that the agents of a particular lending company were harassing the borrowers in collecting money, the SEC made a circular to regulate those lending companies. And it is supported by the article in the PHILSTAR, which stated that "The SEC issued the circular because it has been receiving numerous complaints against financing and lending companies that allegedly harass borrowers and employ abusive, unethical, and unfair means to collect debts. The SEC has regulatory and supervisory jurisdiction over these companies by virtue of Republic Act 8556 or the Financing Company Act of 1998 and Republic Act 9474 or the Lending Company Regulation Act of 2007."

Physical Injury. Another commonly filed dispute at the barangay level is the infliction of physical injury. The Lupon's strategy for settling disputes regarding inflicting physical injury is stated below. In this case, participants have different experiences in their strategies in settling this type of commonly filed dispute in the barangay level, which same way validated by Ms. Britney as she stated that "*ada met pay jay physical injury nga nainvolve ti pulis ket in-refer mi ti police station ta nalastug jay police ngay ada pay body guard na. Makisao kami ladta ti nasayaat ken I explain mi ladta kanyada nga istrikto ti DILG. Nu haan da maala ti sao ket basta tungpalen mi jay 3x nga meeting keni kapitan, 3x nga meeting iti Lupon tapos iforward min jay kaso da ijay Police. Ken we always start in prayer, isu lang maysa nga ikasta mi tapnu mai guide kami ti aramiden mi*". (We also have a physical injury that involves a police officer, but we referred it to the police station because the police officer was aggressive and he also had a bodyguard. We would nicely talk to them and explain that the DILG is strict. If they cannot be settled nicely, we would at least follow the procedure, which is 3x hearing for the barangay captain and 3x hearing to the Lupong Tagapamayapa, and then we'll forward it to the police. And then we always start in prayer, and this is the only thing we do so that we will be guided on how we conduct the procedure correctly.)

Although, the situation of Ms. Britney was different from Ms. Shania, to which the latter states that "*Ti ikasta ket nu ada nadangran nu kasparigan jay complainant ket nadangran ket kunana nga tapnu mayat ket kastoy a agparty tayo ti manok tapnu napintas ti pagsisinabatan, tapnu anya man ti kasla nasaksakit nga sao-sao uno naaramid nu kaspangarigan nadangran ka syempre pinadara da ka isunga kasjay a ti maaramid, ket nu kayat met dajay respondent ket mayaten, ngem diyay ti napintas nga mangmangyare. Ngem nu maminsan ti ikasta da jay expenses ti victim, ipabayad nan ngem ada ladta diyay agparty or agpa merenda haan nga maikkat dajay". (*What we do here when there is someone who was hurt, example is the complainant would say or suggest that "there must be a chicken to be butchered so that it would enhance our fellowship". And whatever hurtful words that was uttered or if the victim bled, there must be a butchering of chicken because someone has bled, then if it is ok to the respondent/s then well and good. That is one of the good strategies that we practice. However, some of the victim would just request from the respondent to pay the hospital bill and other expenses regarding the incident but there is always a fellowship with snacks after that. Snacks or butchering of chicken with fellowship after resolving the case always happens and cannot be removed.)

And it is also the same strategies for barangay captain Elvis, as he stated that "*ada ti physical injury met ketdi a kalalakaan nga masolbar ta mostly ditoy ket jay ngay kinababartek ta kasla nga panakasolbar na diyay ket nu naospital ket bayadan na jay bill na ti hospital. Mostly met ket jay nadangran ket amenable met nga i-compensate na jay nagastus da ijay hospital".* (There were cases of physical injury which is the easiest to handle. Mostly, the parties involved are intoxicated by alcohol. Our best way to solve this case is when the complainant is hospitalized. The respondent is advised to pay the hospital bill or compensate the complainant's expenses, depending on the status of the complainant or the victim himself.)

As derived from the statements of Ms. Britney, Ms. Shania, and Barangay Captain Elvis, there must be compensation for expenses and damages caused by the injury., Article 2199 of the new Civil Code provides that "except as provided by law or by stipulation, one is entitled to an adequate compensation only for such pecuniary loss suffered by him as he has duly proved. Such compensation is referred to as actual or compensatory damages. He who claims actual or compensatory damages must establish and prove by competent evidence actual pecuniary loss. Actual or compensatory damages are those awarded in satisfaction of, or recompense for, loss or injury sustained. They simply make good or replace the loss caused by the wrong (Filing a damage suit in the Philippines, n.d.).

CONCLUSION

Based on the findings, the strategies applied in commonly filed disputes at the barangay level are traditional conciliation or mediation mixed with legal procedures. This implies that the three different barangay of La Trinidad, Benguet, utilizes traditional methods and legal procedures in settling commonly filed disputes within their barangay as to lessen the burden of the higher courts and enriched their culture in the field of criminal justice system.

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