

EXTENT OF COMPLIANCE WITH THE LOCAL GOVERNMENT CODE (LGC) IN BARANGAY DISPUTE RESOLUTION: AN EVALUATION OF LUPONG TAGAPAMAYAPA

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Abstract

This study examined the barangay's adherence to regulations and structures specified by the Local Government Code (LGC) of 1991 in the Third District of Cagayan, Philippines, particularly in the formation and operation of the Lupong Tagapamayapa, the body responsible for dispute resolution in the Philippines' smallest governmental unit. A quantitative approach was adopted, incorporating surveys with the Lupong Tagapamayapa members. Based on the findings of the study, the level of compliance with the structural and functional components of Lupong Tagapamayapa among the participants is at a "Very Great Extent". However, the study has identified areas such as the term of office and vacancy, and the subject matter for amicable settlement, where compliance is at a "Great Extent", indicating room for improvement. It is clear that the participants are fully engaged in their roles and responsibilities as per the Local Government Code of 1991, and they are effectively executing their tasks. They are keenly aware of the procedures for dispute resolution and demonstrate a commitment to adhering to these rules and regulations. Furthermore, while the barangay system possesses significant potential for delivering community-level justice, compliance issues pose a significant risk. The selection process for the Lupong Tagapamayapa must be unbiased, impartial, and strictly adhere to the guidelines set out in the LGC. Recommendations include enhanced training for Punong Barangay in the selection process and the establishment of a more rigorous system of checks and balances to ensure that the criteria outlined in the LGC are consistently adhered to. Furthermore, promoting community awareness and understanding of the Lupong Tagapamayapa's role could enhance public trust in the system, ensuring its continued effectiveness in providing community-level justice. The study's findings underscore the necessity of maintaining the integrity of the Lupong Tagapamayapa to foster a stronger and more cohesive community.

Keywords: Barangay, Local Government, Lupong Tagapamayapa, Compliance

INTRODUCTION

It is essential for the government to prioritize the needs and concerns of its citizens and ensure that their rights and freedoms are protected. By doing so, the government can create a stable and prosperous society that benefits everyone. In the Philippines, this fundamental element is embodied by the barangay (Porio & Roque-Sarmiento, 2019). The barangay serves as the smallest unit of government in the Philippines, responsible for providing basic services and addressing the needs of its constituents. For example, the barangay may provide health clinics, disaster response services, and local events to build community solidarity and ensure the overall well-being of its citizens. Furthermore, the barangay often serves as the first point of contact for individuals confronted with local disturbances or natural disasters, a role that is profoundly rooted in Republic Act No. 7160 (Bulilan, 2021).

The barangay system in the Philippines is an excellent example of how a government can provide basic services and address the needs of its constituents at the grassroots level. The Local Government Code (LGC) of 1991, also known as Republic Act No. 7160, authorized the establishment and maintenance of the Katarungang Pambarangay system (Silliman, 1985). This system is intended for the peaceful resolution of disputes at the barangay level, thereby avoiding the financial burden and time-consuming character of traditional court proceedings. This legal mechanism, endemic to the culture and tradition of the Philippines, has not only relieved the burden on judicial bodies but also promoted an effective justice system within communities. The Katarungang Pambarangay system,

established under Republic Act No. 7160, has also helped to promote an effective justice system within communities by providing a peaceful resolution to disputes at the barangay level (Tabucanon et.al, 2008).

Leading this community-level dispute resolution mechanism is a critical role predominantly falling upon the Punong Barangay. As the principal figure responsible for forming the Lupong Tagapamayapa, the Punong Barangay bears the responsibility of selecting Lupong Tagapamayapa members who embody the ethos and principles of the Katarungang Pambarangay Law. As specified in Sec. 399 (a) of the Local Government Code, the criteria for selection encompass attributes such as integrity, impartiality, independence, fairness, and flexibility. As a collective body, the success or failure of the Lupong Tagapamayapa reflects the decisions and actions of the Punong Barangay, emphasizing the need for the operation of the body to be immune to political influence.

However, compliance with the 1991 LGC's regulations and structures is not always observed (Chao, 2012). In some instances, barangays have failed to establish their Lupong Tagapamayapa, resulting in potential difficulties in dispute resolution and ultimately endangering the Katarungang Pambarangay system's efficacy (Gallego et.al, 2019). Furthermore, there have been cases where the selection process for Lupong Tagapamayapa members has been compromised, with political affiliations and personal biases influencing the decision-making process instead of adherence to the criteria outlined in the Local Government Code. This compromises the integrity of the system and undermines its effectiveness in providing fair and impartial resolutions to disputes within communities.

A detailed counterexample to the input is the case of a Punong Barangay who selects Lupong Tagapamayapa members based on personal relationships and favors, rather than their qualifications and adherence to the criteria outlined in the Local Government Code (Lorenzo et.al, 2023). This can lead to biased decisions and unfair resolutions, ultimately undermining the effectiveness of the Katarungang Pambarangay system. Additionally, in cases where a Lupong Tagapamayapa is not established in a barangay, disputes may escalate and result in legal proceedings, which can be time-consuming and costly for all parties involved (Sotto, 2021). Therefore, it is crucial for barangays to comply with the regulations and structures set forth in the Local Government Code to ensure the efficacy and integrity of the Katarungang Pambarangay system. The selection process for Lupong Tagapamayapa members should prioritize qualifications and adherence to the criteria outlined in the code, rather than personal relationships or political affiliations.

In light of these issues, the purpose of the present study is to assess the level of compliance within the barangay with regards to the structural and functional components of Lupong Tagapamayapa. This will aid in identifying potential hazards and pinpointing areas requiring targeted support or enhancement. By gathering data from these key stakeholders, the study can provide insights into the strengths and weaknesses of the system and offer recommendations for improvement. Ultimately, the goal is to promote a more efficient and just resolution of disputes at the barangay level, leading to a stronger and more cohesive community.

METHODS AND PROCEDURES

Research Methodology

This study adopted a descriptive research design. Described by Gay (1971), this approach encompasses the collection, presentation, and detailed analysis of facts to test hypotheses or answer questions relating to the current status of the study's subject. As pointed out by Travers (1981), the primary goals of descriptive research are to portray a situation as it exists at the time of the study and to explore the causes behind a particular phenomenon.

Study Participants

The study involved the Lupong Tagapamayapa members from select barangays in the third district of Cagayan. The study used a total enumeration method to ensure comprehensive inclusion of this group. The barangays included in this study, specifically from the municipalities of Solana, Penablanca, Iguig, Amulung, Tuao, Enrile, and Tuguegarao City in the third district of Cagayan, were chosen considering their population sizes. They signed an informed consent form to confirm their

voluntary participation, fully understanding the study's purpose, benefits, and their responsibilities as participants. All their queries regarding the study were satisfactorily addressed by the researcher.

Research Instrument

A researcher-designed questionnaire utilizing a 5-point Likert scale was formulated, with a score of 5 denoting a very high degree of compliance and 1 signifying a very low degree of compliance. This tool was developed based on the guidelines outlined in Sections 399 to 422 of the Local Government Code.

To ensure validity and reliability, the researcher-tested questionnaire underwent a trial run and content validation with five research experts before being administered to the participants.

Data Analysis

The collected data underwent an in-depth examination, interpretation, and summarization using both descriptive and inferential statistics. Frequency and percentage distribution measures were employed to characterize the participants' demographic profiles, including age, gender, educational background, attended seminars/trainings, tenure as Lupong members, and the type/nature of the case filed. The weighted mean was used to assess the participants' compliance level with the structural and functional components of the Lupong Tagapamayapa.

RESULTS AND DISCUSSION

Table 1: Extent of Compliance of Lupong Tagapamayapa-Participants on the Structural Components of Lupong Tagapamayapa

A. Creation of Lupon

Components	Mean	Descriptive Scale
1. The Punong Barangay has the authority to constitute/organize the Lupong Tagapamayapa.	4.58	Very Great Extent
2. Within fifteen (15) days from the start of the term of the Punong Barangay, he/she issues a notice to constitute the Lupon and prepare the list of the names of proposed Lupon Members.	4.46	Very Great Extent
3. The Lupong Tagapamayapa is composed of a minimum of ten (10) members and a maximum of twenty (20) persons.	4.46	Very Great Extent
4. Lupon Members must be an actual resident or working in the barangay.	4.61	Very Great Extent
5. Lupon members must be of legal age.	4.49	Very Great Extent
6. Lupon Members must possess the following qualities: integrity, impartiality, independence, fairness, reputation for probity, patience, resourcefulness, open-mindedness, and flexibility	4.41	Very Great Extent
7. The notice was posted in three (3) conspicuous or strategic places within the barangay.	4.34	Very Great Extent
8. The notice contains an invitation to all barangay members to endorse or opposed the proposed appointment of the persons included in the list.	4.21	Very Great Extent
9. The recommendation or opposition is within the period of posting for three (3) weeks.	4.23	Very Great Extent
10. Ten (10) days after the last day of posting, the Punong Barangay put in writing the appointment of the Lupon Members.	4.13	Great Extent

11. The appointment letter is duly signed by the Punong Barangay and attested by the Barangay Secretary.	4.44	Very Great Extent
12. The newly appointed Lupon Members take their oath before the Punong Barangay.	4.49	Very Great Extent
13. A Lupong Tagapamayapa in the barangay is constituted and/or organized.	4.49	Very Great Extent
14. The Punong Barangay is the Chairperson of the Lupong Tagapamayapa.	4.36	Very Great Extent
15. The Barangay Secretary is the Secretary of the Lupong Tagapamayapa.	4.31	Very Great Extent
16. The list of appointed Lupon Members is posted in three (3) strategic and highly visible places in the barangay.	4.25	Very Great Extent
Category Mean	4.39	Very Great Extent

Table 1 provides an overview of the Lupong Tagapamayapa participants' adherence to the structural components of the Lupong Tagapamayapa, specifically focusing on the creation of the Lupon. Each item in the table corresponds to a different aspect of the structural components, with the mean and descriptive scale indicating the level of compliance.

The participants show an extremely high level of compliance ("Very Great Extent") with most structural components, as indicated by the average mean scores of above 4. These elements include the authority of the Punong Barangay to organize the Lupong Tagapamayapa, timely issuing of the notice to constitute the Lupon, the composition of the Lupon, the residency and age requirements of Lupon members, and the qualities required of them.

Similarly, compliance is shown in aspects related to the posting of notices, inviting feedback on appointments, allowing for recommendations or opposition during the posting period, and the appointment process itself, including the issuance of appointment letters and oath-taking by the new members. The roles of Punong Barangay and Barangay Secretary as the Chairperson and Secretary of the Lupong Tagapamayapa, respectively, are also duly recognized.

The one area where compliance level is slightly lower, although still high ("Great Extent"), is the written appointment of Lupon members by the Punong Barangay within ten days after the last day of posting, scoring a mean of 4.13.

Overall, with a category mean of 4.39, indicating "Very Great Extent" of compliance, the study participants demonstrate robust adherence to the mandates of the Local Government Code of 1991 concerning the constitution and organization of the Lupong Tagapamayapa in their respective barangays. This high level of compliance implies a strong commitment to conform to the rules and regulations governing the establishment of Lupon, reinforcing its functionality and effectiveness at the grassroots level.

Table 2: Extent of Compliance of Lupong Tagapamayapa-Participants on the Structural Components of Lupong Tagapamayapa
B. Term of Office and Vacancy

Components	Mean	Descriptive Scale
1. Each Lupon Member serves for three (3) years.	4.07	Great Extent
2. The Lupon Members serve without any compensation.	4.21	Very Great Extent
3. If the Barangay has enough funds, honorarium is given to the Lupon Members who participated in the resolution of a particular case.	4.16	Great Extent
4. A Lupon Member who transfers residence is terminated.	4.09	Great Extent

5. A Lupon Member who transfers his/her place of work is terminated.	3.99	Great Extent
6. A Lupon Member who resigns is terminated.	4.06	Great Extent
7. A Lupon Member can be removed by Punong Barangay with the concurrence of the majority of all the members of the Lupon.	4.04	Great Extent
8. In case of vacancy occurs in the Lupon for any cause, the Punong Barangay immediately appoints a qualified person and holds office only for the unexpired portion of the term	4.29	Very Great Extent
Category Mean	4.11	Great Extent

The table reveals that the lupong tagapamayapa-participants are compliant only to a “great extent” on the structural component of lupong tagapamayapa specifically on the terms of office and vacancy of lupon.

This means that the lupong tagapamayapa-participants though compliant should sustain its efforts of execution to attain a “very great extent” compliance especially on the provisions to wit: service of lupon for three years whereas, lupon should be encouraged to function for three years upon oath of office, hence, loyalty is vital.

Another, on the provision of honorarium for the lupon, if budget warrants, the barangay can give to the lupong tagapamayapa members who are involve in the amicable settlement of the case. It also worthy to note that on the provision “a lupon member who transfers his/her place of work is terminated” has the least mean, 3.99 which has a descriptive value of great extent and it implies that this may not be fully complied yet by the lupong tagapamayapa hence, its implementation is vital to ensure compliance.

Table 3: Extent of Compliance of Lupong Tagapamayapa-Participants on the Functional Components of Lupong Tagapamayapa
C. Functions of the Lupon

Components	Mean	Descriptive Value
1. The Lupon exercise administrative supervision over the conciliation panels.	4.18	Great Extent
2. The Lupon meet regularly once (1) a month.	3.86	Great Extent
3. The Secretary of the Lupon records the results of the mediation proceedings.	4.33	Very Great Extent
4. The Secretary of the Lupon submits reports of the results of mediation.	4.46	Very Great Extent
5. The Secretary of the Lupon received and keeps the records of proceedings submitted from various conciliation panels.	4.29	Very Great Extent
Category Mean	4.22	Very Great Extent

Table 3 presents an analysis of the Lupong Tagapamayapa participants' adherence to their functional responsibilities as delineated in the Local Government Code of 1991. The level of compliance for each function is indicated by the mean scores and descriptive values.

In terms of administrative supervision over conciliation panels, the Lupon scored a mean of 4.18, implying a "Great Extent" of compliance. Likewise, regular monthly meetings were also held to a "Great Extent," with a slightly lower mean of 3.86. Higher levels of compliance, indicated by "Very Great Extent," were observed in functions performed by the Secretary of the Lupon. These include

recording mediation proceedings (4.33), submitting reports of mediation outcomes (4.46), and receiving and maintaining records of proceedings from various conciliation panels (4.29).

The overall category mean of 4.22 suggests a "Very Great Extent" of compliance in performing the functional roles of the Lupon. This demonstrates the commitment of the Lupong Tagapamayapa participants in fulfilling their prescribed duties and responsibilities, which are integral to the smooth operation of the organization.

Comparatively, a study by Villamor & Dagohoy (2020) on Lupong Tagapamayapa also observed high levels of compliance on functional roles, particularly in recording and reporting mediation proceedings, mirroring the findings of this study. However, the study highlighted occasional challenges in maintaining regular monthly meetings, which is somewhat reflected in the slightly lower mean score for this component in the present study.

Similarly, a study by Jumalon et.al (2018) confirmed the high level of compliance in the administrative functions of the Lupong Tagapamayapa. However, they suggested potential improvement in maintaining consistent monthly meetings, which again aligns with the findings of our study.

Table 4: Extent of Compliance of Lupong Tagapamayapa-Participants on the Functional Components of Lupong Tagapamayapa

D. Administrative Supervision of Lupon over the Conciliation Panels

Component	Mean	Descriptive Value
1. All offenses, civil and criminal in nature with maximum penalty not exceeding one (1) year imprisonment or a fine not Five Thousand Pesos (5,000.00); where parties usually reside in the same city or municipality.	4.04	Great Extent

Table 4 provides an analysis of the Lupong Tagapamayapa participants' compliance concerning their administrative supervision over the conciliation panels, specifically in the handling of offenses, both civil and criminal, with penalties not exceeding one year imprisonment or a fine not more than Five Thousand Pesos (5,000.00); this applies where parties involved usually reside in the same city or municipality.

The data reveals that participants demonstrate a "Great Extent" of compliance, with a mean score of 4.04. This indicates that the Lupong Tagapamayapa participants have been effective in implementing and overseeing the penalties consistent with the rules laid out in the Local Government Code of 1991. Not only do they demonstrate awareness of these provisions, but they also follow through with their application, underscoring their commitment to uphold the rule of law within their jurisdiction.

In comparison, a study by Yangco (2019) on Lupong Tagapamayapa also reported a "Great Extent" of compliance regarding administrative supervision over conciliation panels, corroborating the findings of the current study. Their research highlighted the vital role of Lupong Tagapamayapa in effectively handling civil and criminal offenses at the community level, aligning with the results observed here. These findings together indicate a common trend of high compliance level in this regard across different regions, emphasizing the importance of Lupong Tagapamayapa in maintaining local order and justice.

Table 5: Extent of Compliance of Lupong Tagapamayapa-Participants on the Functional Components of Lupong Tagapamayapa

E. Subject Matter for Amicable Settlement

Component	Mean	Descriptive Value
1. The complainant lodges his/her complaint to the Lupon Chairperson orally or in writing.	4.38	Very Great Extent

2. Upon receipt of the complaint, within three (3) days, the Lupon Chairperson issues a notice of hearing to the complainant and summons the respondent both of whom should appear in Lupon Chairperson's office.	4.24	Very Great Extent
3. The Lupon Chairperson listens to the parties and helps them find solution within fifteen (15) days.	4.30	Very Great Extent
4. The settlement or agreement made after ten (10) days is executory and it has the force and effect of a decision of a court.	3.96	Great Extent
5. In that case, any party can protest the settlement within ten (10) days.	4.09	Great Extent
6. If the parties have not come to an amicable settlement, the Punong Barangay constitutes the Pangkat Tagapagkasundo within fifteen (15) days from the last day of the mediation proceedings.	4.06	Great Extent
7. The members of the Pangkat come from the Lupon and chosen by parties, the complainant and respondent.	4.01	Great Extent
8. If the parties fail to agree on the Pangkat membership, the Lupon Chairperson determines the three (3) members by drawing lots.	3.86	Great Extent
9. The Pangkat members elect from among them a chairperson and secretary.	4.05	Great Extent
10. The Lupon Secretary turn over all records of the case to the Pangkat Secretary for the Pangkat to study.	3.99	Great Extent
11. Relationship, bias, interest, or other similar grounds discovered after the constitution of Pangkat can be a ground for disqualification of Pangkat Member. The Pangkat resolve the matter by majority vote. Its decision on this matter is final.	4.00	Great Extent
12. If the Pangkat decides to disqualify any of its members, the parties agree in a common choice for the replacement.	3.98	Great Extent
13. If they fail to agree, the Lupon Chairperson fills the resulting vacancy by drawing of lots.	3.90	Great Extent
14. The Pangkat meet to hear both parties, explore possibilities for amicable settlement within fifteen (15) days which can be extended for another fifteen (15) days in a meritorious case and issue subpoena of witnesses whenever necessary.	4.04	Great Extent
15. In all proceedings, the parties must appear in person without the assistance of counsel or representative, except for minors or incompetent who may be assisted by their next-of-kin who are not lawyers.	4.04	Great Extent
Category Mean	4.06	Great Extent

Table 5 presents an assessment of the Lupong Tagapamayapa participants' extent of compliance with regard to the functional components involving the subject matter for amicable settlement. This

encompasses everything from lodging of complaints, notices of hearings, negotiation and resolution, up to the constitution of the Pangkat Tagapagkasundo in the event of a failure to reach a settlement. The participants display a "Great Extent" of compliance on average, with a category mean of 4.06. This suggests that the Lupong Tagapamayapa participants demonstrate commendable compliance with the directives stipulated in the Local Government Code of 1991 for amicably resolving cases filed at the barangay level. Their commitment to adhering to these provisions supports the efficient operation of local dispute resolution mechanisms, promoting peace and harmony in the community. Relevantly, a study by Habiatan (2019) investigating Lupong Tagapamayapa also reported a high level of compliance with the subject matter for amicable settlement. They emphasized the significant role of this local justice system in fostering an environment conducive for resolution of community disputes. This coincides with the findings in our study, highlighting a broader consistency in the performance of the Lupong Tagapamayapa in different regions. The sustained commitment to the process of amicable settlement underscores the importance and effectiveness of this approach in local dispute management.

Table 6: Extent of Compliance of Lupong Tagapamayapa-Participants on the Functional Components of Lupong Tagapamayapa

F. Procedure for Amicable Settlement

Component	Mean	Descriptive Value
1. An amicable settlement is put into writing in a language or dialect known to the parties.	4.34	Very Great Extent
2. An amicable settlement is to be signed by the parties.	4.34	Very Great Extent
3. An amicable settlement is attested to by the Lupon Chairperson or the Pangkat Chairperson.	4.40	Very Great Extent
Category Mean	4.36	Very Great Extent
Compliance Mean	4.20	Very Great Extent

Table 6 illustrates the extent of compliance by Lupong Tagapamayapa participants concerning the procedural aspects of amicable settlement. It specifically measures compliance on three key components: writing the settlement in a language or dialect known to the parties, signing of the settlement by the parties, and attestation of the settlement by either the Lupon Chairperson or the Pangkat Chairperson.

The data reveals a "Very Great Extent" of compliance with a category mean of 4.36, and a cumulative compliance mean of 4.20, reflecting high adherence to the prescribed procedures for amicable settlement. These findings imply that the Lupong Tagapamayapa participants are effectively executing the dispute resolution processes as stipulated in the Local Government Code of 1991. However, while the overall compliance level is high, there were some areas such as the term of office and vacancy, and the subject matter for amicable settlement, where compliance was observed only to a "Great Extent". Despite these minor deviations, the commitment of the Lupong Tagapamayapa participants to the mandates and procedural requirements laid down in the Local Government Code of 1991 remains evident.

In a related study conducted by Turner (2016), similar trends of compliance were observed among Lupong Tagapamayapa participants. They attributed these high levels of compliance to ongoing education and training programs for the participants, underlining the importance of these initiatives in ensuring effective local dispute resolution. These shared findings across different studies reaffirm the efficacy of the Lupong Tagapamayapa system in promoting peace and resolving conflicts at the community level.

CONCLUSIONS AND RECOMMENDATIONS

Based on the findings of the study, the level of compliance with the structural and functional components of Lupong Tagapamayapa among the participants is at a "Very Great Extent". However, the study has identified areas such as the term of office and vacancy, and the subject matter for amicable settlement, where compliance is at a "Great Extent", indicating room for improvement.

It is clear that the participants are fully engaged in their roles and responsibilities as per the Local Government Code of 1991, and they are effectively executing their tasks. They are keenly aware of the procedures for dispute resolution and demonstrate a commitment to adhering to these rules and regulations.

Despite the high level of compliance, the study reveals opportunities for further development. To address the areas that show less compliance, specifically the term of office and vacancy, and the subject matter for amicable settlement, several recommendations can be made:

1. **Training and Capacity Building:** Regular and targeted training programs should be held to increase the knowledge and skills of Lupong Tagapamayapa members, specifically focusing on the areas that require improvement. This will not only improve their proficiency but also contribute to their professional development.
2. **Policy Development:** Review and possibly revise existing policies to ensure they are both practical and effective. Policies related to the term of office and vacancy, as well as the subject matter for amicable settlement, should be reassessed.
3. **Monitoring and Evaluation:** Develop a robust monitoring and evaluation mechanism to periodically assess the compliance of Lupong Tagapamayapa members with the structural and functional components of the system. This can help identify areas of non-compliance early on and implement corrective measures promptly.
4. **Promotion of Best Practices:** Encourage the sharing of best practices among different barangays. This can foster learning and improvement, and promote a culture of excellence within the Lupong Tagapamayapa.
5. **Motivation and Incentives:** Recognize and reward high-performing Lupong Tagapamayapa members. This can motivate members to strive for higher levels of compliance and excellence.
6. **Community Engagement:** Engage the community in the activities of the Lupong Tagapamayapa to foster a sense of ownership and cooperation among the constituents. This can contribute to a more harmonious and peaceful community.

In conclusion, the study reveals that the Lupong Tagapamayapa, as a grassroots mechanism for dispute resolution, is functioning effectively with a high level of compliance to the mandates of the Local Government Code of 1991. By addressing the identified areas of improvement and implementing the recommended strategies, the system can become even more effective, contributing to a stronger, more harmonious community. Future studies could delve deeper into the specific reasons for lower compliance in some areas, to develop more targeted strategies for improvement.

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