



THE LEGAL FRAMEWORK FOR ENHANCING BARANGAY JUSTICE SYSTEM AS A GRASSROOTS- BASED ALTERNATIVE DISPUTE RESOLUTION MECHANISM IN THE PHILIPPINES¹

**ATTY. ARIEL DASAS VALONES, MD, MPH, MHA, MPSA, DIH, FPCP, FPCC,
FAsCC, FAMP, FRIPH, LLM**

Professor of Law and Medicine, Internal Medicine and Cardiology Consultant
Polytechnic University of the Philippines, Manuel Luis Quezon University School of Law,
Philippine Christian University, Tarlac State University, Universidad De Manila, Emilio Aguinaldo
College, University of the Philippines, Manila Med, Manila Doctors Hospital,
Philippine Heart Center, Philippine Institute of Arbitrators (PIArb), Philippines

ABSTRACT

This study critically examines the legal framework governing the *Barangay* Justice System (BJS) as a grassroots-based Alternative Dispute Resolution (ADR) mechanism in the Philippines. Rooted in the principles of accessibility, community participation, and restorative justice, the BJS serves as the primary venue for resolving minor disputes at the local level, with the objective of decongesting courts and promoting harmony among neighbors. Guided by the provisions of the Local Government Code of 1991, the *Katarungang Pambarangay* Law, and relevant jurisprudence, this research explores the effectiveness, limitations, and opportunities for reform within the current legal framework of the barangay justice system.

Employing a qualitative research design, the study draws from key informant interviews, online survey questionnaires, and focus group discussions, documentary analysis, and field observations involving barangay officials, community members, legal experts, and ADR practitioners. The findings indicate that while the BJS has contributed significantly to local conflict resolution, several legal and operational gaps hinder its optimal functioning. These include vague procedural rules, inconsistent implementation across barangays, lack of legal training for barangay officials, and limited integration with formal ADR laws and institutions.

The study proposes a coherent and responsive legal framework that clarifies the roles of mediators, enhances the capacity of barangay officials, and strengthens supervision and accountability mechanisms. It also advocates for the institutionalization of partnerships with law schools, ADR centers, and civil society organizations to improve the quality and sustainability of barangay-level

¹ This article is an excerpt from the research/thesis of the author in his Master of Laws (LLM) in Alternative Dispute Resolution

justice. Ultimately, the study affirms that a strengthened legal framework can transform the BJS into a more credible, inclusive, and effective ADR mechanism for grassroots justice in the Philippines.

Keywords: *Barangay Justice System (BJS), Alternative Dispute Resolution, Grassroots-Based ADR, Law Student Limited Practice (LSP)*

I. INTRODUCTION

Barangay disputes have become a significant concern within the community, impacting the country's local governance and justice systems and the overall peace and stability in society. When conflicts arise, the *barangay*, being the smallest political unit, plays not only a crucial role in local administration but also serves as the primary mechanism for conflict resolution through the *Katarungang Pambarangay*, which was formally instituted under the *Katarungang Pambarangay* Law under the 1991 Local Government Code. The *Barangay Justice System* functions as a fundamental apparatus for the amicable resolution of disputes at the grassroots level in the Philippines and fosters community harmony by resolving conflicts through mediation, conciliation, and arbitration at the *barangay* level. As a community-based dispute resolution mechanism, the *barangay* justice system aims to decongest the courts and promote amicable settlements through mediation and conciliation facilitated by the *Lupon Tagapamayapa* or the Peacekeeping Committee in the *barangay*. Throughout the years, efforts have been undertaken to enhance *barangay* justice through implementing capacity-building programs, providing incentives under the *Lupon Tagapamayapa* Incentives Awards (LTIA), and integrating legal aid of the Integrated Bar of the Philippines (IBP) in the current *barangay* justice systems to ensure accessibility, fairness, and fair dealings for people, in the urban and rural areas, especially those living in far-flung regions.

Despite its legal underpinning and continued efforts, the *barangay* justice system has significant problems. Significant difficulties include a lack of understanding and poor dispute resolution training among *barangay* authorities and *Lupon Tagapamayapa* members. Local governance, resource availability, and political commitment largely influenced the execution of the *barangay* justice system. At present, the *barangay* justice system is being challenged to handle new *barangay* disputes such as online transactions,² cyberbullying,³ and family domestic problems.⁴ In recent years, there has been an increase in the number and complexity of disputes encompassing land and property issues, family conflicts, personal grievances, territorial boundary claims, and minor financial

² Roxas, J. G. Performance and Challenges in the Implementation of Alternative Dispute Resolution in the Barangay Level: Exploring New Strategies.

³ Rosa, M. T. C. D., Lopez, S. R., & Manapol, M. L. (2023). Experiences of female adolescent on online sexual abuse and exploitation of children during community quarantine in Davao City, Philippines. *Asean Social Work Journal*, 74-91.

⁴ Sobradil, M. (2019, August). The Effectiveness of Barangay Pacification Council in Settling Disputes on the Cases of Women. In the International *Conference on Public Organization (ICONPO)*.

claims/liabilities. Such tension are often caused by poverty, uncertain land appropriations, congested communities, and inadequate court procedures.⁵

In light of the various emerging disputes among *barangays* and the insufficiency within the existing legal framework, the effectiveness of the *Barangay Justice System* and the *Lupon Tagapamayapa* has been scrutinized. This scrutiny stems from insufficient training, political bias, weak settlement enforcement, and a lack of public awareness of their rights and the breadth of the *barangay* justice system. While the City Legal Offices in each Local Government Unit (LGU) have the potential to play a critical role in strengthening *barangay*-level justice, current practices reflect structural, operational, and legal inefficiencies that limit their effectiveness in complementing the *barangay* justice system in their respective LGUs.

II. OBJECTIVES OF THE STUDY

This study seeks to examine and evaluate the existing legal framework governing the Barangay Justice System (BJS) in the Philippines and to propose legal and policy enhancements to strengthen its role as a grassroots-based Alternative Dispute Resolution (ADR) mechanism. Specifically, this study analyzes the current legal provisions under the Local Government Code of 1991, the *Katarungang Pambarangay Law*, and related regulations that establish and govern the Barangay Justice System; assess the implementation of the BJS in selected barangays with regard to dispute resolution procedures, compliance with legal standards, and community participation; identify the legal, institutional, and operational gaps that hinder the effectiveness of the BJS as a grassroots ADR mechanism; evaluate the role and capacity of barangay officials, particularly the Lupon Tagapamayapa, in the performance of their quasi-judicial and conciliatory functions; explore the integration and alignment of the BJS with national ADR policies, programs, and institutions; and, formulate recommendations for legal reforms, institutional capacity-building, and stakeholder collaboration aimed at enhancing the efficiency, credibility, and accessibility of the Barangay Justice System.

III. THEORETICAL FRAMEWORK

This theory is anchored in Community-Based Dispute Resolution (CBDR) Theory which encompasses informal or semi-formal methods in which the inhabitants of a community resolve disputes through local customs, social norms, or community leaders rather than formal legal systems.⁶

⁵ Metillo, E. J., Ello, A. C., Rone, M. D., Dangaran, L. F., & Cuevas, J. (2022). The Tales of Barangay Officials in Resolving Community Disputes. *Middle East Journal of Applied Science & Technology*, 5(2).

⁶ Akintayo, O. D., Ifeanyi, C. N., & Onunka, O. (2024). Enhancing domestic peace through effective community-based ADR programs. *Global Journal of Advanced Research and Reviews*, 2(02), 001-015.

CBDR theory is based on customary law, participatory governance, and socio-legal pluralism, and it asserts that communities have legitimate, context-sensitive systems in place to maintain social order and justice.⁷

CBDR Theory encompasses several interrelated components that collectively create a practical, localized approach to conflict resolution.⁸ First and foremost is local participation and ownership, where community members particularly elders, respected leaders, or locally designated mediators—play central roles in resolving disputes.⁹ This bottom-up approach ensures that dispute resolution reflects local values and priorities, fostering legitimacy and voluntary compliance.¹⁰ Second, cultural embeddedness is a key feature of CBDR. The procedures, norms, and outcomes are often derived from customary law, social traditions, or indigenous practices, making the process more relevant and acceptable to the disputants.¹¹ Third, CBDR relies on consensus-building and reconciliation rather than adversarial proceedings. The goal is not merely to determine legal fault but to restore social harmony and reintegrate parties into the community, often through dialogue, apology, or restitution.¹²

APPLICATION OF COMMUNITY-BASED DISPUTE RESOLUTION (CBDR) THEORY TO THIS STUDY

The Community-Based Dispute Resolution (CBDR) theory highlights resolving conflicts at the grassroots level through “participatory norms” of the *barangay* residents in accordance with the culture and customary practices of the people. The CBDR is often an informal mechanism that fosters local ownership and social harmony.¹³ In the context of the *barangay* Justice System (BJS) in the Philippines, as applied in this study, CBDR is highly relevant as it embodies core principles of restorative justice, participatory governance, and access to justice. The CBDR Theory emphasizes local participation and active community participation in resolving disputes, empowering community members to take collective responsibility for peace and order.¹⁴

The Community-Based Dispute Resolution (CBDR) Theory is relevant to this study because it depicts local dispute resolution through the lens of the BJS as a pillar of the local justice machinery in the

⁷ Akintayo, O. D., Ifeanyi, C. N., & Onunka, O. (2024). Enhancing domestic peace through effective community-based ADR programs. *Global Journal of Advanced Research and Reviews*, 2(02), 001-015.

⁸ Khan, M. F., & Akram, M. B. Resolution In Azaj) Jammu & Kashmir.

⁹ Newton, M. A. (2012). Community Based Accountability in Afghanistan: Recommendations to Balance the Interests of Justice. *Jus Post Bellum and Transitional Justice*, 12-39.

¹⁰ Nwapi, R. O. (2024). Alternative Dispute Resolution And Community Development In Imo State, Nigeria. *International Journal Of Humanities, Literature And Art Research*.

¹¹ Chirayath, L., Sage, C., & Woolcock, M. (2005). Customary law and policy reform: Engaging with the plurality of justice systems.

¹² Isser, D. (Ed.). (2011). *Customary justice and the rule of law in war-torn societies*. US Institute of Peace Press.

¹³ Muigai, K. (2017). Institutionalizing traditional dispute resolution mechanisms and other community justice systems. *Research Methods Africa Center for Technology Studies*.

¹⁴ Akudugu, M. A., & Mahama, E. S. (2011). Promoting community-based conflict management and resolution mechanisms in the Bawku traditional area of Ghana. *Peace research*, 80-103.

Philippine legal system. The CDR believes that justice can be effectively implemented locally through processes anchored in local culture, participation, and reconciliation. According to the 1991 Local Government Code, the *Lupon Tagapamayapa*, a governing body of local community members, resolves conflicts between and among *barangay* residents. This local organization under the LGC embodies the CDR Theory's aspect of grassroots ownership and involvement in peace-building, with respectable community members serving as mediators or conciliators.

IV. RESEARCH METHODOLOGY

The study utilized a qualitative socio-legal research design, wherein the researcher systematically examined the social phenomenon of enhancing the *barangay* justice system within the local context. This research methodology describes people's experiences, the behaviors of individuals and groups,¹⁵ the functions of various organizations, and the interactions among these actors about their relationships.¹⁶

By utilizing the Qualitative Research Design, the researcher examined the current state of the *barangay* justice system and the challenges of the *barangay* officials in conducting conflict resolution and relate these events to the sense and perspectives of the participants of the study.¹⁷ In dissecting this view, the researcher 'studied the nature of the phenomena' of the *barangay* justice system, including 'its nature and quality, different manifestations, the context in which they appear, and "the perspectives from which they can be perceived."¹⁸ Specifically, the study adopted the Qualitative Critical Constructivist Systems Research Design as the researcher posits that 'there is no singular reality' and that 'reality can be elicited from the participants' views of reality.'¹⁹ The researcher particularly utilized this approach since the 'social reality and knowledge is relative to people and times' and there are 'multiple social realities' from various stakeholders of the society.²⁰

The researcher identified key informants using stratified sampling techniques in sampling and participant selection. The respondents include *barangay* officials, *Lupon Tagapamayapa* members, mediators, legal aid advocates, Law Student Limited Practice (LSLP) under the Rule 138-A limited practice rule, the disputants who have engaged with the *barangay* justice system, and the community. Specifically, in the data gathering, the researcher uses research instruments like semi-structured

¹⁵ Fossey, E., Harvey, C., McDermott, F., & Davidson, L. (2002). Understanding and evaluating qualitative research. *Australian & New Zealand journal of psychiatry*, 36(6), 717-732.

¹⁶ Grosseohme, D. H. (2014). Overview of qualitative research. *Journal of health care chaplaincy*, 20(3), 109-122.

¹⁷ Aspers, P., & Corte, U. (2019). What is qualitative in qualitative research? *Qualitative sociology*, 42, 139-160.

¹⁸ Peshkin, A. (2001). Angles of vision: Enhancing perception in qualitative research. *Qualitative Inquiry*, 7(2), 238-253.

¹⁹ Qu, S. Q., & Dumay, J. (2011). The qualitative research interview. *Qualitative research in accounting & management*, 8(3), 238-264.

²⁰ Giorgi, A. (1994). A phenomenological perspective on certain qualitative research methods. *Journal of phenomenological psychology*, 25(2), 190-220.

interviews, focus group discussions, and online survey surveys to investigate perceptions, practices, and obstacles in dispute resolution at the *barangay* disputes.

In this study, the researcher used the Socio-Legal research design workflow to collect primary data on enhancing the *Barangay* Justice System (BJS) from respondents of the study. It entails a systematic and adaptable series of stages for gathering respondents' rich, contextualized, and shared data to enable the researcher to formulate legal solutions and proposed legal reforms as an output of this study.

Socio-legal research as an approach to legal inquiry that goes beyond the analysis of legal texts and instead examines the law as a social institution embedded within and influenced by society. They describe it as interdisciplinary legal research that combines legal analysis with empirical social science methods to explore how law is experienced, applied, and functions in real-life contexts.²¹ According to Salter and Mason, they viewed that:

“Socio-legal research seeks to understand how law operates in practice, how it affects and is affected by social behaviors, institutions, and norms, and how it contributes to or resolves social problems”²²

Socio-Legal Research Design is convenient for examining law in action, addressing questions that doctrinal research cannot fully answer such as how accessible justice is, how laws impact specific communities, and how legal institutions function on the ground.²³

V. RESULTS AND DISCUSSION

The *Barangay* Justice System through the role of Law Student Practice by proposing amendments to the Local Government Code of 1991 (Republic Act No. 7160) and related laws like the *Katarungang Pambarangay* Law (Presidential Decree No. 1508, integrated into RA 7160) by the enhanced *barangay* justice system, particularly regarding the involvement of lawyers as conciliators, mediators, or arbitrators. The key proposed changes aim to address the backlog in formal courts and improve access to justice at the grassroots level. In this study, the following are the legal analysis of the researcher in proposing for the amendment of the provisions of the 1991 Local Government Code particularly on allowing lawyers to appear or participate as neutral third parties, creation of a *Barangay* mediation and Arbitration pool, and its harmonization with ADR Act in the *barangay* dispute resolution system:

²¹ Salter, M., & Mason, J. (2007). *Writing law dissertations: An introduction and guide to the conduct of legal research*. Pearson Education.

²² Ibid, (Salter & Mason, 2007, p. 159).

²³ Salter, M., & Mason, J. (2007). *Writing law dissertations: An introduction and guide to the conduct of legal research*. Pearson Education.

Establishing a volunteer roster or panel of lawyers and professionals who can serve in *barangay*-level mediation or arbitration. These individuals would be trained in alternative dispute resolution (ADR) and accredited by the Department of Justice (DOJ) and Department of the Interior and Local Government (DILG). This ensures competence while preserving the *barangay*'s mandate to resolve disputes amicably.

In this study, the researcher emphasized the need to create and implement a comprehensive legal framework to actively engage law students in *barangay* Alternative Dispute Resolution (ADR) processes to improve community-based dispute resolution through the lens of Rule 138-A's Law Student Limited Practice of Law (LSLP). While the 1991 LGC established the *Barangay* Justice System (BJS) through the *Katarungang Pambarangay* Law, the current legal framework largely excludes students, particularly those studying law, from structured participation in *barangay* ADR processes such as mediation, conciliation, or arbitration.

Through the researcher's recommended legal output outlined in this study, the *barangay* will act as a hub for ADR participation among law students, thereby improving the *barangay* justice system. Law schools must engage with local government units (LGUs) to offer fieldwork, internships, and ADR (mediation, conciliation, and arbitration) externships to achieve this goal. Such a framework would deepen law students' understanding of informal justice mechanisms and strengthen the community's access to legal information and fair procedures. Furthermore, it will establish a mutually advantageous relationship in which law students get experiential learning reinforcing legal ethics and public service values, and *barangays* benefit from additional human resources educated in legal facilitation and community engagement.

The researcher proposed ethical safeguards, specific roles, and supervision to ensure law students' participation meets the ADR principles of neutrality, confidentiality, and cultural sensitivity. By incorporating law student limited practice of law (LSLP) participation in *barangay* ADR processes, the legal education system can become more socially responsive while strengthening the democratic function of localized dispute settlement.

VI. CONCLUSION

The *Barangay* Justice System enhancement and strengthening by the social justice re-engineering using the student CLEP community-based approach can contextualize the various learning methods among the community by encouraging critical thinking, analysis, and synthesis toward participatory action. The co-creation of a Social Justice paradigm by the community and the University or College of Law can foster community engagement and instill in law students' social critical consciousness by synergizing the legal

profession towards community partnership. These social transformations of the systematic and structural community problems and issues in the *Barangay* Justice System would provide greater access to justice in the countryside.

Indeed, the community-based social change approach can develop in law students' active involvement as social mobilizers and community managers in addressing the perplexing issues of social inequity by being part of the solution. This novel socio-engineering approach with the *Barangay* Justice System and partner educational institutions as co-creators of transforming lives and sustainable communities.

VII. REFERENCES

Akintayo, O. D., Ifeanyi, C. N., & Onunka, O. (2024). Enhancing domestic peace through effective community-based ADR programs. *Global Journal of Advanced Research and Reviews*, 2(02), 001-015.

Akintayo, O. D., Ifeanyi, C. N., & Onunka, O. (2024). Enhancing domestic peace through effective community-based ADR programs. *Global Journal of Advanced Research and Reviews*, 2(02), 001-015.

Akudugu, M. A., & Mahama, E. S. (2011). Promoting community-based conflict management and resolution mechanisms in the Bawku traditional area of Ghana. *Peace research*, 80-103.

Aspers, P., & Corte, U. (2019). What is qualitative in qualitative research? *Qualitative sociology*, 42, 139-160.

Chirayath, L., Sage, C., & Woolcock, M. (2005). Customary law and policy reform: Engaging with the plurality of justice systems.

Fossey, E., Harvey, C., McDermott, F., & Davidson, L. (2002). Understanding and evaluating qualitative research. *Australian & New Zealand journal of psychiatry*, 36(6), 717-732.

Giorgi, A. (1994). A phenomenological perspective on certain qualitative research methods. *Journal of phenomenological psychology*, 25(2), 190-220.

Grossoehme, D. H. (2014). Overview of qualitative research. *Journal of health care chaplaincy*, 20(3), 109-122.

Isser, D. (Ed.). (2011). *Customary justice and the rule of law in war-torn societies*. US Institute of Peace Press.

Khan, M. F., & Akrarn, M. B. Resolution In Azaj) Jammu & Kashmir.

Metillo, E. J., Ello, A. C., Rone, M. D., Dangaran, L. F., & Cuevas, J. (2022). The Tales of Barangay Officials in Resolving Community Disputes. *Middle East Journal of Applied Science & Technology*, 5(2).

Muigai, K. (2017). Institutionalizing traditional dispute resolution mechanisms and other community justice systems. *Research Methods Africa Center for Technology Studies*.

Newton, M. A. (2012). Community Based Accountability in Afghanistan: Recommendations to Balance the Interests of Justice. *Jus Post Bellum and Transitional Justice*, 12-39.

Nwapi, R. O. (2024). Alternative Dispute Resolution And Community Development In Imo State, Nigeria. *International Journal Of Humanities, Literature And Art Research*.

Peshkin, A. (2001). Angles of vision: Enhancing perception in qualitative research. *Qualitative Inquiry*, 7(2), 238-253.

Qu, S. Q., & Dumay, J. (2011). The qualitative research interview. *Qualitative research in accounting & management*, 8(3), 238-264.

Roxas, J. G. Performance and Challenges in the Implementation of Alternative Dispute Resolution in the Barangay Level: Exploring New Strategies.

Rosa, M. T. C. D., Lopez, S. R., & Manapol, M. L. (2023). Experiences of female adolescent on online sexual abuse and exploitation of children during community quarantine in Davao City, Philippines. *Asean Social Work Journal*, 74-91.

Salter, M., & Mason, J. (2007). *Writing law dissertations: An introduction and guide to the conduct of legal research*. Pearson Education.

Sobradil, M. (2019, August). The Effectiveness of Barangay Pacification Council in Settling Disputes on the Cases of Women. In the *International Conference on Public Organization (ICONPO)*.

