

Cases not subject to barangay conciliation

Cases not covered by barangay conciliation

(Local Government Code, Section 408)

1. Where one party is the government or any of its subdivision or instrumentality
2. Where one party is a public officer or employee, and the dispute relates to the performance of his official functions
3. Offenses punishable by imprisonment exceeding one year or by a fine exceeding five thousand pesos (Php 5,000.)
4. Offenses where there is no private offended party

Disputes not covered by barangay conciliation

1. Those involving parties who actually reside in barangays of different cities or municipalities, except where such barangays adjoin each other
2. Those involving real property located in different cities or municipalities

(In both cases, the parties may agree to submit their differences for amicable settlement by the appropriate Lupon.)

Instances when the parties may go directly to court

1. Where the accused is under police custody or detention
2. Where a person has otherwise been deprived of personal liberty calling for habeas corpus proceedings
3. Actions coupled with provisional remedies such as preliminary injunction, temporary restraining orders, attachment, replevin, etc
4. Where the action may be barred by the Statute of Limitations (the law that bars the filing of an action after a prescribed period)
5. Labor disputes arising from an employer-employee relationship, or disputes arising from the Comprehensive Agrarian Reform Law

Actions based on written contracts prescribe in ten years. Criminal cases involving BP 22 (bouncing checks) must be filed within four years from the time the check bounced; after that period, only a civil case for collection can be filed. The prescriptive period is tolled or interrupted by barangay conciliation proceedings and by the filing of the complaint with the fiscal or public prosecutor's office.

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