

**ASSESSMENT OF THE CENTERS OF LOCAL GOVERNANCE:  
IMPLEMENTATION OF THE THE BARANGAY JUSTICE SERVICE  
SYSTEM (BJSS) PROJECT IN MINDANAO, PHILIPPINES**

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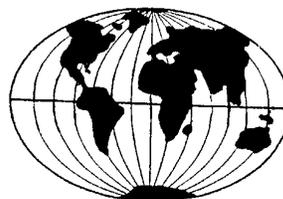
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*Submitted to:*

**USAID**

*Prepared by:*

**Dr. Richard N. Blue  
Prof. Emmanuel Leylo  
Agnes Devanadero, Esq.**



*Submitted by:*

**Development Associates, Inc.**  
*1730 North Lynn St.  
Arlington, VA, 22209-2023*

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## ACRONYMS

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USAID	United States Agency for International Development
GRF	Gerry Roxas Foundation
BJSS	Barangay Justice Support System
GOLD	Governance and Local Democracy
CLG	Center for Local Governance
ARMM	Autonomous Region of Muslim Mindanao
BJA	Barangay Justice Advocates
LT	Lupong Tagapamayapa
KP	Katarungang Pambarangay
MSU	Mindanao State University
MOU	Memorandum of Understanding
SOW	Scope of Work
CLD	Center for Legislative Development
DA	Development Associates
CIDA	Canadian International Development Agency
DILG	Department of Interior and Local Government
MLGOO	Municipal Local Government Operations Officer
DOJ	Department of Justice
PNP	Philippine National Police
AFP	Armed Forces of the Philippines
TWG	Technical Working Group
BIMP	Brunei, Indonesia, Malaysia, Philippines
LGU	Local Government Unit
ADDU	Ateneo de Davao University
EC	Executive Committee
MNLF	Moro National Liberation Front

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## EXECUTIVE SUMMARY

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### I. BACKGROUND

Katarungang Pambarangay (KP) was formally set up during the Marcos administration and incorporated into Law under the Local Government Code of 1991. KP was designed to build on the informal dispute settlement at the barangay level.

The Barangay Justice Service System (BJSS) Project Report initially implemented by the Gerry Roxas Foundation (GRF) and aimed at improving access to the Katarungang Pambarangay was launched in 1998 with support from the USAID. The project was established after GRF research found that the KP structure was not being used to the extent possible by local citizens as an alternative to the formal judicial system for resolving low level disputes. GRF learned that many citizens were unaware of the KP, or were ignorant of their rights under the law. Others were reluctant to bring disputes to the official structure of the barangay, fearing that such action would lead them to the police and the court system. GRF discussions with judicial and local government officials also suggested that a revitalized KP might help reduce the backlog of formal cases pending in the Philippine court system. The positive benefits of a revitalized system of alternative dispute settlement were that poor people would have greater access to some means of redress of complaints, and peace and harmony might be promoted at the local level.

To address these weaknesses in the KP system, GRF sought more effective ways to inform both citizens and local leaders of the potential of the KP authority under Philippine law, as well as to energize local communities to make more effective use of it. A project was organized around a new voluntary role, the Barangay Justice Advocate (BJA), whose job it would be to educate citizens and to act as a primary point of contact and referral to the KP if necessary. The Barangay Justice Service System project relies heavily on trained citizen volunteers to be the primary agents of a revitalized dispute resolution process as envisioned in Philippine law.

The BJSS project culminates in the training of the members of the *Lupong Tagapamayapa* and Barangay Justice Advocates, citizen-volunteers of the barangays who perform mediation and conciliation of parties in conflict in order to unburden the KP of cases.

Piloted in the Visayas provinces, the BJSS Project was replicated nationwide in 2001 during its third phase. Davao, Lanao de Norte and Lanao del Sur were the pilot sites in Mindanao.

The BJSS Project in Mindanao is implemented by the university-based Consortium of the Centers for Local Governance (CLG) which includes Ateneo de Davao CLG, Mindanao State University in Marawi College of Public Administration CLG and the North-Western Mindanao CLG composed of some faculty members; also Mindanao State University, Iligan Institute of Technology and the SOPREX Foundation, a private consulting group established by the MSU Iligan faculty.

USAID has contracted with Development Associates Inc. of Arlington, Virginia to conduct an assessment of the institutional capacity and training effectiveness and impact of the BJSS program, with a view towards improving its performance and results. The Center for Legislative

Development based in the Philippines was subcontracted as the Philippine counterpart of Development Associates.

USAID asked the BJSS Assessment Team to focus its inquiry exclusively on the institutional capacity and training effectiveness of Mindanao based CLGs which offer training to members of the Barangay Lupon Tagapamayapa (LT) and Barangay Justice Advocates (BJAs) -volunteers who are charged with activating and promoting the Barangay Justice Support System. USAID is well advanced in implementing its part of Phase V of the program developed by the Gerry Roxas Foundation; it uses the principles and experience gained from the earlier GOLD/BJSS project.

## **II. METHODOLOGY**

To assess institutional capacity of the CLGs, the team looked into the institutional motivation, organizational capacity and activity-based organizational performance of the CLGs.

To assess training effectiveness, the team administered structured questionnaires to members of Lupon and BJAs who underwent BJSS training. As a backdrop of the training, aggregate data on the “growth” of KP usage in relation to an aggregate measure of “peace” and an aggregate measure of “judicial system and backlog/savings” were examined using regression analysis.

Similarly, a review of the legal and organizational structure of the KP system, the evolution of the BJSS Program, and qualitative research in select barangays in the ARMM area provide background on the context wherein the KP and the BJSS operate.

## **III. CONCLUSION AND RECOMMENDATIONS**

### **A. BACKGROUND CONCLUSIONS: THE KP AND NATIONAL COURT AND CRIME DATA**

Advocates of alternative dispute resolution systems frequently assert that by resolving issues “extra judicially”, these systems help to reduce the case load backlog in the formal court system, a widespread problem in many judiciaries. The USAID SOW asks in Article III, part 2, question 9: “are the claims of court declogging accurate? It appeared to some that many of the cases that were resolved were unlikely to ever get to court?” Although the national trend data do not reflect the additional value or effect of the BJSS system, the team presents an analysis of these data in an effort to answer the question posed in the SOW.

1. Citizen use of the KP system in the Philippines has increased steadily since 1991, indicating the need for local dispute resolution processes in an increasingly complex and open society.
2. The statistical relationship between the use of KP and the increase in court caseload is strongly positive. Many factors may contribute to the increased use of both KP and the courts. If anything, the greater use of the KP may also contribute on net to increased case load in the judicial system, although this is not very significant at this point.
3. KP and BJSS claim peace and harmony at the barangay level as a desired goal of an effective dispute resolution system. All Philippine data show a secular decline over 10

years in the Average Monthly Crime Rate. Crime rates in the ARMM areas are also declining, except for the most violent crime, murder. Overall, the ARMM crime rate is comparatively lower than in other parts of Philippines. Again, victims of armed conflict are the exception.

4. There is a strong negative correlation between cases settled at the KP level and the volume of crime, mainly non-indexed low level crime. This suggests that mediation and conciliation activities by the KP are having a positive effect, in combination with other factors.
5. Analysis of aggregate data trends suggest that there is no “cost saving” in terms of judicial case load, but there may be cost saving in terms of reduction in crime more generally, and in the promotion of more harmonious relationships at the village level.

## **B. SPECIFIC CONCLUSIONS**

### *Organizational Effectiveness of the BJSS Project*

1. The Department of Interior and Local Government (DILG) and the Department of Justice (DOJ) have had little involvement in the implementation of the BJSS project at the local level. These are two national government agencies with direct mandates to promote good governance and justice at the local level.
2. BJSS Training Curriculum and Materials are not sufficiently localized. The Mindanao-based CLGs have expressed the need for adjustments in the curriculum materials supplied by GRF to make them more suitable to the Mindanao context.)
3. CLGS does not now have an effective training impact monitoring and evaluation methodology. The current monitoring and evaluation tools are not geared to measure training effectiveness and impact.
4. The organization of the CLG Consortium is a positive step, with GRF in a clear leadership position. More flexibility and localized input from CLGs in Mindanao is necessary to assure that BJSS training and support programs are properly tailored to local conditions.
5. The Consortium is still at its infancy stage and has not yet functioned as one organization. It has functioned more as an assembly of CLGs with only the GRF exercising leadership and providing the direction for the group.

### *Training Effectiveness and Utilization*

1. Introduction of the BJSS increases citizen participation and awareness of laws and legal rights. The assessment found considerable evidence that it is the poor and marginalized groups in the society that make use of the local level dispute resolution processes. BJSS can build on this need.
2. As reported in questionnaire responses, and confirmed by focus groups and field studies, the BJSS Training is considered by trainees to very effective and relevant for the most

- part. Suggestions for improvement have to do with more applied work in mediation and counseling, and more follow up technical support.
3. The most effective part of the training seems to be the training on listening, consulting, mediating and conciliating skills, rather than formal knowledge of law.
  4. BJAs are volunteers who will need considerable support to keep them motivated and active, including continuing training, motivational meetings, regional conferences, and, possibly, some form of monetary honorarium. There is some indication that some trainees have already dropped out of the program.
  5. BJSS trainees are actively involved in counseling, mediation and dispute resolution. In some cases they are the only players, and barangay officials seem to be looking to them to resolve disputes, thereby reducing the number of formal complaints that the LT has to deal with. This very active role exceeds the “facilitating and advocating” model of the BJSS program to-date.

### ***Introduction of BJSS into Muslim Areas***

1. The low level of participation of Muslim barangays is troubling, and may reflect some resistance to the introduction of KP/BJSS into areas where the overall LGU structure is poorly developed or perceived as externally imposed.
2. Knowledge of how dispute resolution actually works in Muslim areas (as opposed to theoretical or religious discussions) is sketchy and needs to be developed before any accelerated program of BJSS training is undertaken.
3. Muslim area dispute settlement assets currently exist but are sharply different than those found in Christian barangays. These differences, including institutional roles such as the Sultans, and bodies of law such as Sharia, determine very unique forms of local mediation having little to do with the formalized KP system.
4. The BJSS model, if applied flexibly and with great consideration for the need to incorporate traditional and religious institutional leadership, may be made to work in Muslim areas. However, the absence of a functioning modern barangay system may mean that BJAs working with traditional leadership will be more important than in barangays with a more evolved and legitimate barangay KP and LT structure.

### **C. SPECIFIC RECOMMENDATIONS**

Based on the results of the study, several recommendations are formulated to improve the implementation of a justice system at the *barangay* level.

### ***Coordination and Role Clarification***

1. DILG. The Department of Interior and Local Government, which is the national agency tasked with providing technical assistance to LGUs could take a more active involvement in strengthening the KP and should be in the frontline in training barangay officials and the LT on the KP. Prosecutors and other qualified resource persons from the DOJ may be tapped as resource persons.
2. Broaden Participation. There is a need to enhance the participation of the LGUs, national government agencies, and the civil society in the BJSS Program. It appears that the BJSS – TWG have not been activated as envisioned by the Program.
3. Clarify and Reconcile BJSS and BJA Roles in KP. In advocating for the BJSS program and the BJAs, its relationship to the existing KP must be clarified and differentiated. In this manner, communities will be able to adjust their expectations on the Program and on the KP. Also, they will be properly guided on how to go about bringing cases for resolutions and availing of judicial services available at the community level.

### ***Institutional Recommendations***

1. Deepen and strengthen leadership linkages with Mindanao. In order to successfully implement the BJSS Project in Mindanao, the Consortium requires a leadership that is responsive to the social, economic and political realities of Mindanao.
2. Establish Mindanao BJSS Project Advisory Group. This can help provide understanding of the concept of justice system in Muslim-dominated areas. This group can also provide advice on the right approach that the BJSS Project should assume in Muslim dominated areas.
3. Establish Mindanao-based secretariat. The GRF, as a key player in the Consortium, should consider setting up a secretariat based in Mindanao. This can add to the credibility of the GRF as a key player of the Consortium in the region.
4. Prepare Manual of Procedures and Operations. Now that the Consortium continues to grow -- it is now even more important to complete the manual and clarify the relationships among the CLGS, to define mechanisms for resource sharing, and to establish a more responsive table of organization.
5. Establish Mechanism for Resource Exchange. The Consortium needs to develop a mechanism to facilitate exchange and the sharing of resources among the CLGS.
6. Establish Mindanao CLG Consortium. The original Consortium is composed of CLGS nationwide. Now, with focus on Mindanao, it is necessary to consolidate the network in the area and to maximize the potentials that can be drawn from the local partners.
7. Integrate traditional Muslim conflict resolution processes and principles. BJSS Project needs to weave the relevance of the traditional way of conflict resolution, together with Sharia, and the Philippine laws. The Mindanao CLG Consortium with GRF as a key

mover could provide the focus and contextual inputs into the BJSS training curriculum and delivery.

***Training Effectiveness Recommendations***

1. Develop Mindanao-based BJSS Training Curriculum and Materials. CLGS in Mindanao could pursue this as a group, since they share a lot of commonalities with their environment. All materials should be in local languages.
2. Expand Training in Mediation and Conflict Resolution for BJAs. BJA trainees are becoming the first line of dispute resolution in barangays where they are active and need/want further training in these methods.
3. Establish a system of Technical Support and Follow-up for Returned Trainees. BJAs and others may “exit” the system unless given follow-up support and technical assistance for this difficult job.
4. Improve Design of Training Evaluation Systems. The CLGS should consider improving their training evaluation system to measure the effectiveness, relevance, and usefulness of their programs. This instrument should also evaluate the faculty effectiveness, teaching style, depth of knowledge of the subject matter, and rapport with the participants. This should also evaluate the physical factors on how they affect the conduciveness of the learning environment.

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## I. INTRODUCTION AND BACKGROUND

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The United States Agency for International Development Philippines Mission (USAID/Manila) has supported local government development in the Philippines since the restoration of democratic rule. It has also been active in supporting the development of a more effective justice system for both economic and political development purposes. The two functions, participatory local government and rule of law, come together in the Gerry Roxas Foundation (GRF) initiative for Barangay Justice Support System (BJSS). This program is built on the strong record of USAID's GOLD project, and shares much of the same philosophy of local participation and citizen empowerment at the local level. With USAID support, the GRF has moved steadily through three phases to develop the BJSS, having expanded during phase III into Mindanao from the original Visayas focus. In close collaboration with GOLD-created Centers for Local Governance in Mindanao, GRF has begun training for BJSS in selected regions, some with substantial Muslim populations. USAID has encouraged GRF to move its program into the Autonomous Region of Muslim Mindanao (ARMM). USAID support for the program will be primarily for expansion of the BJSS training into the ARMM.

USAID has contracted with Development Associates Inc. of Arlington, Virginia to conduct an assessment of the institutional capacity and training effectiveness and impact of the BJSS program, with a view towards improving its performance and results. USAID asked the BJSS Assessment Team to focus its inquiry exclusively on the institutional capacity and effectiveness of Mindanao based CLGs which offer training to members of the Barangay Lupong Tagapamayapa (LT) and Barangay Justice Advocates (BJAs) - volunteers who are charged with activating and promoting the Barangay Justice Support System. USAID is well advanced in implementing its part of Phase V of the program developed by the Gerry Roxas Foundation, using principles and experience gained from the earlier GOLD/BJSS project.

The Philippine Government, during the Marcos administration, formally set up the system of alternative dispute resolution called the Katarungang Pambarangay (KP). It was designed to build on the informal Philippine tradition of dispute settlement at the Barangay level. The system's use may have waned during the period of turmoil following the overthrow of Marcos, but its value was recognized by the new regime and incorporated into law under the Decentralization Law of 1991. The decentralization effort has been broadly supported by USAID over the 1990s, most recently with the GOLD project, which introduced a participatory planning process and greater accountability mechanisms at the barangay, municipal and provincial levels of Philippine governance. Spearheaded by the active leadership of the Gerry Roxas Foundation, USAID began to incorporate support for strengthening the BJSS, as part of the more general decentralization effort.

The proponents of the BJSS also suggest that the expansion of the BJSS system will substantially reduce the number of new cases being introduced into the Philippine judicial system, thereby reducing the backlog and clearance time needed for processing judicial cases.

Pilot projects developed by the Gerry Roxas Foundation and others, have helped to demonstrate the utility of the BJSS system, as well as exposing some of the weaknesses. These are well

documented in the Master's Thesis written by Silvia Sanz-Ramos Rojo, and will not be elaborated here<sup>1</sup>.

The main problems driving the current USAID funded project are twofold -- lack of legal understanding and mediation/conciliation skills appropriate for successful dispute resolution on the one hand, and weak knowledge and understanding among barangay citizens of the role and potential benefit of the BJSS for dispute resolution on the other. As BJSS is introduced into predominantly Muslim areas, additional problems may emerge. GRF, in collaboration with three CLGs in Mindanao, Ateneo de Davao, MSU Marawi City, and MSU Iligan, have developed a training program for both Lupon Members and a new feature for the BJSS, the Barangay Justice Advocate. This program has been refined over several phases, both within Mindanao and in other regions.

USAID has recognized the growing interest in the BJSS as an important component of the larger local governance development strategy, by backing the development of the CLG BJSS support program since 1999. Against the background of partial peace between the Government of the Republic of the Philippines and various Mindanao/Muslim separatists groups culminating in the establishment of the Autonomous Region of Muslim Mindanao (ARMM) -- USAID has committed to a Phase V of the program that will focus exclusively on the five ARMM provinces. It has also worked with the GRF to organize a broad coalition of government, foreign donor and local NGOs active in supporting the BJSS as a means of providing a more coherent and consistent level of support to the local institutions. The MOU for this coalition was signed in Manila on October 21, 2002.

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<sup>1</sup> Rojo, Silvia Sanz-Ramos. *The Barangay Justice System in the Philippines: Is It an Effective Alternative to Improve Access to Justice for Disadvantaged People?* MA Thesis, IDS, University of Sussex, September 2002.

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## II. THE ASSESSMENT SCOPE OF WORK

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The SOW calls for a broad and comprehensive assessment of the gains from the GOLD project and from the BJSS as a subcomponent -- with emphasis on issues of sustainability, lessons learned, capacity building, and impact. To carry out the assignment, the USAID contractor, Development Associates, hired Dr. Richard Blue as the Expatriate Team Leader and the Center for Legislative Development (CLD) headed by Prof. Emmanuel Leyco, as its Philippine partner. For the project, CLD fielded Agnes Devanadera, a well known lawyer, former mayor and head of the League of Municipalities of the Philippines, and Mr. Fidel Bautista as operations analyst. The work began on October 1, 2002. Dr. Blue arrived in Manila on October 9, but, prior to his arrival, he had corresponded with CLD in developing a work plan and methodology for undertaking the assessment. Prof. Leyco submitted a workplan to USAID on October 4, 2002.

A meeting was held between Prof. Emmanuel Leyco and the Philippine team and USAID to discuss the proposed Work Plan. At that meeting, and in a subsequent meeting with Dr. Blue on October 10, USAID advised the team that it wished to narrow the focus of the assessment as follows:

1. Concentrate on those CLGs and GRF which offered training to the BJSS Barangays and to the BJAs in Mindanao, with particular reference to ARMM and other Muslim areas.
2. Concentrate on issues of institutional capacity, training effectiveness, and impact with respect to the Mindanao CLGs.
3. Do not attempt a comprehensive review and assessment of GOLD/BJSS outside of those components identified in points 1 and 2 above.
4. USAID advised the team that it had all the information it needed regarding Manila-based officialdom, and that further intensive interviews with Philippine government agencies, USAID partners and other donors would not be necessary.
5. USAID's expectation for this more focused effort was that the questions set out in Article III Statement of Work of the SOW remained applicable -- but that the report would focus primarily on assessing the implementing organization's effectiveness and relevance, and the impact of the BJSS training program as it had operated in Mindanao during Phase III and IV. USAID was especially interested in any findings and conclusions that would substantiate recommendations for improving the program's management, training strategy, or other features of the effort to strengthen the functioning of the BJSS, especially in the ARMM areas of Mindanao.<sup>2</sup>
6. USAID directed the team to exam the issue of whether or not the BJSS project "added value" to the KP process at the local level.

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<sup>2</sup> The SOW may be found in Annex XXX.

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### III. METHODOLOGY

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The Team collected and organized four sets of data that were relevant to the issues raised by USAID.

1. National and ARMM region aggregate data on the growth of KP usage, in relation to an aggregate measure of “peace” and an aggregate measure of “judicial system backlog/savings,” which are examined by using regression analysis. These measures have been used, in part, by GRF and others to justify and to promote the BJSS. The SOW identifies this relationship as one that the Assessment team should explore.
2. Document review of the legal and organizational structure of the KP system for dispute resolution, as well as a review of all program literature on the evolution of the BJSS program.
3. Institutional Assessment data, largely qualitative, was gathered through structured interviews with CLG leaders/trainers. This addresses capacity, program implementation, sustainability, monitoring and evaluation, and also cost effectiveness questions which were raised in the original scope of work.
4. Structured Survey Questionnaire data from 107 BJSS/BJAs who have received CLG training. This data is used to answer SOW questions about training effectiveness, utility and behavioral impact on the functioning of BJSS/BJA operatives who have received CLG training in the Mindanao areas.
5. ARMM Barangay contextual data from field research conducted by additional member of the CLD team working in the area and directly experienced with BJSS. This is the primary source for understanding any ARMM specific contextual issues affecting BJSS/BJA training and BJSS performance, such as the application of Sharia law. Additional information on Muslim area issues is drawn from the Davao City meetings with KP and BJA respondents.

Data collection for this report began on October 1, and continued intermittently through November 10. An unusual feature of the effort was the convening of CLG BJSS trainee respondents in Davao City for a one day meeting, at which the respondents completed a structured questionnaire focused on training effectiveness and impact; they then participated in more open-ended working groups to address qualitative questions and make recommendations for improvements.

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## IV. FINDINGS

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### A. THE KATARUNGANG PAMBARANGAY (KP)

The barangay has been long recognized as a traditional community level of organization for Filipino culture, although the tradition is stronger in some parts of the Philippines than in others. The Katarungang Pambarangay law of 1978 formalized this tradition as part of the governmental structure. This formalization was continued with improvements in the Local Government Code of 1991. The local government system has been the focus of USAID development support for the Philippines, under the Democracy and Governance program, from the beginning of the restoration of democratic rule in the Philippines following the removal of the Marcos regime.

USAID's support which focused on improving citizen participatory planning and decision-making at the local level, began to address the issue of maintaining peace and harmony through the Barangay Justice System. The GOLD Project supported Centers for Local Governance that were established as a means for providing continuing training and technical support for elected and appointed [.] Local Government Units acted as implementing agencies.

The formal structure of the Katarungang Pambarangay is described in the following section. We then address issues raised in the SOW about the roles and responsibilities of the various government departments in relationship to the BJSS program implemented by the GRF.

#### 1. KATARUNGANG PAMBARANGAY DEVELOPMENT

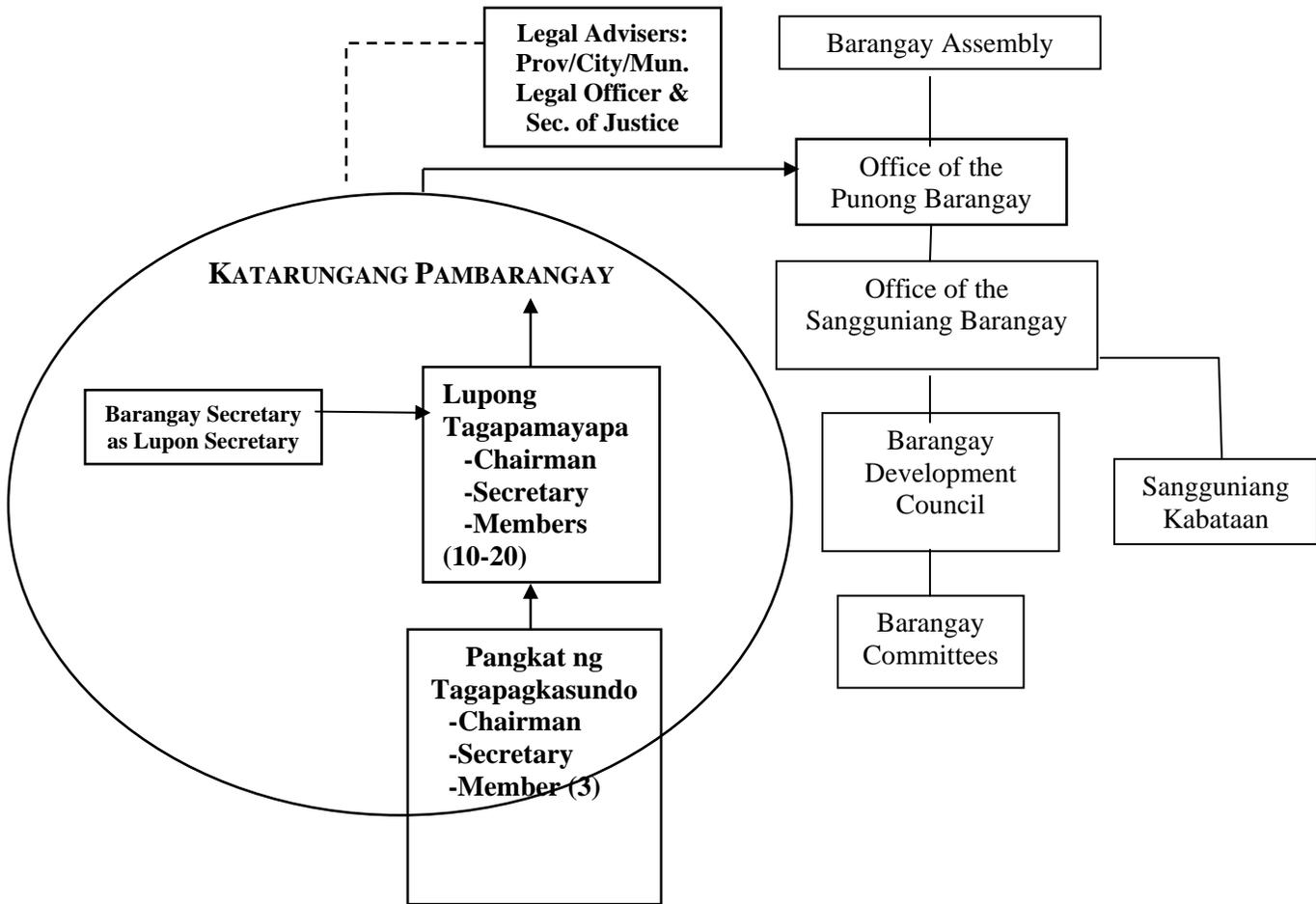
In June 1978, Presidential Decree 1508, or the Katarungang Pambarangay Law, was promulgated that led to the creation of the Katarungang Pambarangay (KP). The KP was meant as a conflict-resolution mechanism that catered to folks residing in a similar barangay. The KP is generally aimed to preserve the Filipino cultural tradition of amicably settling disputes among family and barangay members, without going through the judicial process.

The KP Law was then revised and improved when the Local Government Code of 1991 was enacted. The Code of 1991 expanded the scope and powers of the KP and established it as a system at the barangay level wherein disagreements or disputes were amicably settled and resolved without the need for judicial recourse.

The main objectives of the KP namely are to:

- a. Promote the speedy administration and dispensation of justice;
- b. Prevent and discourage the indiscriminate filing of cases in the regular courts;
- c. Relieve the courts of docket congestion which causes the deterioration in the quality of justice; and
- d. Perpetuate and institutionalize time-honored traditions and practices of settling community or domestic disputes among neighbors or families, in a peaceful and effective manner.

## 2. KP ORGANIZATIONAL STRUCTURE



The KP system, as shown in the diagram above, is directly under the tutelage of the Barangay Captain who serves as Chairman, with ten (10) to twenty (20) members. This body is known as the *Lupong Tagapamayapa*.

The *Lupong Tagapamayapa* constitutes for each dispute a *Pangkat ng Tagapagkasundo* or a settlement/conciliation team composed of three (3) members from the list of members of the *Lupong Tagapamayapa*. The team elects from among themselves a *Pangkat* Chairman and a Secretary. The *Pangkat* secretary prepares the minutes of every proceeding and forwards copies to the *Lupong Tagapamayapa* Secretary and to the proper city and municipal court.

As stated in section 407 of the Code, the provincial, city legal officer/prosecutor or the municipal legal officer shall render legal advice on matters involving questions of law to the Punong Barangay or any *Lupong Tagapamayapa* or *Pangkat ng Tagapagkasundo* member, whenever necessary, in the exercise of his functions in the administration of the *Katarungang Pambarangay*. The Secretary of Justice promulgates the necessary rules and regulations for the implementation of the provisions of the KP.

### 3. FUNCTIONS OF THE KP

Every tier of the KP has its own function that facilitates faster dispute resolution, these are the:

- a. Lupong Tagapamayapa, whose functions are to:
  - i. Exercise administrative supervision over the conciliation panels or Pangkat ng Tagapagkasundo;
  - ii. Provide a forum for the exchange of ideas among its members and the public on matters relevant to the amicable settlements of disputes;
  - iii. Enable various conciliation panel members to share with one another their observations and experiences in effecting the speedy resolution of disputes; and
  - iv. Exercise other powers and perform other duties and functions, as prescribed by law or ordinance.
- b. Pangkat ng Tagapagkasundo who:
  - i. Conducts mediation/conciliation proceedings in the event that the arbitration and mediation efforts before the Punong Barangay were unsuccessful.

### 4. JURISDICTION

As stated in the Code, the *Lupong Tagapamayapa* of each barangay has the authority to bring together the parties actually residing in the same city or municipality for an amicable settlement of all disputes, **except** for the following:

- a. The party is the government or a government agency or its sub-division.
- b. The party is a public officer or employee, and the dispute relates to the performance of his official functions.
- c. Offenses punishable by imprisonment exceeding one (1) year or a fine exceeding Five Thousand Pesos (P5,000).
- d. Offenses where there is no private offended party.
- e. The dispute involves real properties located in different cities or municipalities, unless the parties agree to submit their differences to amicable settlement by an appropriate Lupon.
- f. Such other classes of disputes which the President may determine in the interest of justice, or upon the recommendation of the Secretary of Justice

The effectiveness of the conciliation process also depends on the venue or the place where the complaint must be filed, or where the conciliation process will take place. As stated in Section 409 of the Local Government Code of 1991, the following factors are taken into consideration:

- a. Disputes between people actually residing in the same barangay shall be brought for amicable settlement before the Lupon of the said barangay.
- b. Disputes involving actual residents of different barangays within the same city or municipality shall be brought in the barangay where any of the respondents actually reside, at the election of the complainant.
- c. All disputes involving real property or any interest therein shall be brought in the barangay where the real property or the larger portion thereof is situated.

- d. Those disputes arising at the workplace where the contending parties are employed, or at the institution where such parties are enrolled for study -- shall be brought in the barangay where such workplace or institution is located.

Objections as to venue, if there are any, are raised during the mediation proceedings before the Barangay Chairman; otherwise the same objections shall be deemed waived. Any legal question that may confront the Barangay Chairman in resolving objections as to venue may be submitted to the Secretary of Justice, or to his duly designated representative.

## 5. MODES/PROCESSES OF SETTLING DISPUTES

Any individual who has a cause of action against another individual involving any matter within the authority of the *Lupon* may complain orally or in writing to the *Lupon* Chairman. Upon receipt of the complaint, the *Lupon* Chairman will act on it by summoning the respondent and the complainant and their witnesses to appear before him.

There are various kinds of procedures for amicable settlements utilized by the KP and these are *mediation*, *arbitration* and *conciliation*. **Mediation** is a kind of conflict resolution wherein the services of a third party, usually the *Lupon Chairman*, is used to reduce the differences between the disputing parties, or to seek a resolution. The mediator usually takes more initiative in proposing the terms of settlement. If the mediation efforts of the *Lupon Chairman* fail within fifteen (15) days from the first meeting of the disputing parties, he will then form a mediation team or the *Pangkat ng Tagapangkasundo* to handle the case.

The other manner utilized by the KP for resolving conflict is through **arbitration**. This is the settlement of disputes by an impartial person or group of persons, whose decision or award the disputing parties have agreed to accept. The parties involved, may at any stage of the proceedings, agree in writing that they shall abide by the *arbitration award* of the *Lupong Tagapamayapa* Chairman or the *Pangkat*. The arbitration award shall be in writing in a language or dialect known to the parties. When the parties to the dispute do not use the same language or dialect, the award shall be written in the language or dialect known to them.

**Conciliation** involves bringing harmony to the disputing parties by suggesting solutions to disagreements. The process is similar to that in mediation. In KP, conciliation is done by the *Pangkat ng Tagapagkasundo*. Conciliation proceedings involve generally the giving of advice and the making of suggestions, and the conciliators or mediators do not act like judges.

One example of the differences between a conciliation process and judicial proceedings in settling disputes would be: a judge requires a complainant to first produce his evidence to prove his claim, while a mediator doesn't have to do the same. If the mediator has reasonable grounds to believe that the respondent committed the act or engaged in the behavior complained against, the mediator could then proceed on the basis of assumption to explore possible ways of solving the problem.

As stated in the LGC of 1991, conciliation means:

- a. Pre-condition to Filing a Complaint in Court. No complaint, petition, action, or proceeding involving any matter within the authority of the *Lupon* shall be filed or

instituted directly in court, or in any other government office for adjudication, unless there has been a confrontation between the parties before the Lupon chairman or the pangkat, and only in the case that no conciliation or settlement has been reached, as certified by the Lupon Secretary or Pangkat Secretary, or as attested to by the Lupon or Pangkat Chairman -- or unless the settlement has been repudiated by the parties thereto.

## **6. REPUDIATION**

- a. The processes mentioned in settling disputes in the KP may be repudiated by any party involved in the dispute within ten (10) days, if the individual can prove that his consent was obtained by fraud, violence or intimidation. The individual can then refuse to pay, or to acknowledge any agreement or settlement reached. The statement of repudiation of the individual is a sufficient basis for the issuance of the certificate of repudiation.

## **7. GENERAL ASSESSMENT OF THE IMPACT OF THE KP AT THE NATIONAL LEVEL**

### ***a. National Level Impact of KP System Analyzed***

Although USAID is specifically interested in the impact of the BJSS project, the team prepared a background analysis of operational impact of the KP system at the national level. The purpose of this analysis is to demonstrate that there is already an increase in the use of legally mandated barangay dispute resolution mechanisms. However, the rise in the number of KP cases by no means suggests that the potential and need is lacking for greater use of local level dispute resolution mechanisms. The team estimates that less than 20 percent of the total national KP capacity is being utilized by citizens at the local level, indicating that considerably more work needs to be done to fully realize the KP systems potential.

The SOW asks: “Are the claims of court decongesting accurate? It appears to some that many of the cases that were resolved were unlikely to ever get to court.”(Section 2, Question 9). The SOW also asks, “What are the specific impacts ...of BJSS (e.g., impact on decongesting court dockets, associated cost savings, and benefits by disadvantaged groups). To answer these questions properly, a longitudinal comparison between areas where BJSS is operating and where it is not, controlling for other variables such as urban versus rural, would have been necessary. Since the BJSS is a relatively new development found only in a few regions, it was not possible to find current case load statistics at a level of disaggregation that would permit comparative analysis.

As a second best approach, the team used national level statistics to compare the annual increase in new cases filed in the all Philippine courts with the annual increase in recorded disputes settled by the KP system. The basic finding was that there was a positive statistical relationship between the increase in new court cases filed, and the increase in dispute settlement at the KP level. This suggests that up to this time, the increase in use of the KP and of the courts may be a function of other forces in Philippine society, including expanding decentralization of government, greater democratic awareness and participation, and changes in court jurisdiction.

***b. Impact of KP on Peace and Harmony at the Local Level***

A second benefit of an increased use of local level dispute resolution is the promotion of greater “Peace and Harmony” in barangays. Objective measures of “Peace and Harmony” are difficult to determine, but most would agree that high levels of crime and interpersonal violence reflect a lack of “Peace and Harmony.” Is there a relationship between the increased use of the KP and measures of crime and violence at the local level in the Philippines? The analysis of nationally aggregated statistics found that there is a strong statistical correlation between increase in the use of the KP and reduction in crime and interpersonal violence at the local level. This suggests that there may be a causal relationship between increased use of the KP and improved “Peace and Harmony” at the local level. While the correlation is quite strong, it should be noted that crime rates in the Philippines generally are falling, and crime rates in Mindanao and the Muslim areas especially are among the lowest in the nation.

The general background data support the general proposition that there is effective demand for alternative dispute resolution processes at the local level, but do not support the assertion that, in the short run at least, increased use of these processes will have a positive impact on “unclogging” the court case load. As KP use becomes more widespread and accepted as an acceptable means for dispute resolution, a positive impact on court case load may materialize. In the meantime, there are other, perhaps more important benefits that can be gained from enhancing the KP system through the introduction of the BJSS project, as envisioned by GRF and supported by USAID. GRF’s micro studies have already demonstrated the utility of the BJSS, where it was first introduced in the Visayas region. We turn now to an assessment of the BJSS experience to date in Mindanao.

**B. THE BARANGAY JUSTICE SERVICE SYSTEM (BJSS) PROGRAM AS A SUPPORT TO THE KATARUNGANG PAMBARANGAY**

In this section we begin our discussion of the BJSS program, supported in considerable part by USAID. It is the newest phase of the BJSS program in Mindanao that has won support from USAID and from other donors. This program is an important element in USAID’s overall strategy of support for economic, political and social development in Mindanao.

The Barangay Justice Service System (BJSS) was implemented in September 1998 by the Gerry Roxas Foundation (GRF) to improve community access to the barangay justice system and other integrated justice-related services. It serves to strengthen and complement the Katarungang Pambarangay, which is the barangay justice system that declogs the courts of selected cases by intervening and settling conflicts in the community. The **BJSS** envisions peaceful, happy and empowered communities sustained by a responsive justice system. Its mission is to develop strong community leaders, strengthen the support system in the barangay and increase citizen participation to influence justice reforms. Likewise, it seeks to improve the current delivery of justice at the barangay level, by increasing legal literacy and enhancing the mediation skills of the Lupong Tagapamayapa (LT), the dispute-settling body within the KP system.

The BJSS was piloted in 65 barangays in the islands of Panay and Guimaras. Later on, it was replicated in 105 barangays through the Consortium of Centers for Local Governance (CLG). During the replication, some local government units (LGUs) included additional barangays, increasing the total number to 213. In April 17, 2002, the covered areas of the BJSS Program

were further expanded during the launching of Phase IV in Davao City. It was formalized with the signing of a Memorandum of Agreement (MOA) between and among the Department of the Interior and Local Government (DILG), the Department of Justice (DOJ), and the GRF. The signing of the MOA delineates the role of each office in the implementation of the Program, especially in its sustainability.

## **1. THE BARANGAY JUSTICE ADVOCATES**

A special feature of the BJSS Program is the mobilization of community volunteers called the Barangay Justice Advocates (BJAs) as barangay justice service providers. BJAs are citizen-volunteers duly selected and trained alongside with other KP implementers to assist members of the community in accessing justice, provide assistance in alternative modes of conflict resolution, peace counseling, and basic justice-related services. They are in the frontline in the delivery of barangay justice system and provide support to the KP implementers. Presently, there are 1,150 BJAs in the 213 barangays covered by the BJSS Program who attended the four-module BJSS training course which included KP, Paralegal, Counseling, and Mediation.

A BJA must be of legal age, resident of the barangay for at least a year, have integrity and respectable status, be willing to be trained to help in conflict resolution within the community at the KP level and to provide assistance within the BJA functions, and can speak the local language of the barangay. In order to avoid conflict of interests, the following should not become BJAs: an incumbent elected and appointed national and local officials, members of the LT, incumbent court personnel, active members of the Philippine National Police (PNP) or the Armed Forces of the Philippines (AFP), and other organizations whose interests might interfere with the BJA functions. The Punong Barangay or community residents may nominate a potential BJA. Otherwise, anyone who is interested may apply as a BJA.

Primarily, BJAs make the system of dispute resolution accessible to the people. They both have primary and secondary or incidental functions. Among their primary functions is to assist individuals in disputes to find help in the KP, in the regular courts, and in administrative or quasi-judicial bodies. However, they do not function as lawyers or judges. Their primary function ends when disputes are referred to an appropriate body for resolution, but their secondary or incidental functions of **BJAs** start during this stage. These secondary functions include providing support pending the resolution of cases, such as counseling, helping in complying with documents, securing witnesses and checking on the status of the case. Other secondary functions are assistance in the training of new **BJAs** and in information dissemination about law, judicial procedure, and other matters pertaining to the justice system.

The selection and training of BJAs is done by a BJSS-Technical Working Group (TWG) composed of the Punong Barangay, a representative from the DILG, a representative from the DOJ, and a representative from the civil society, or the Center for Local Government (CLG) of the region. The BJSS-TWG also provides guidance and supervision to the BJAs, and monitors as well as documents the progress of the advocacy for the BJSS Program. Once chosen, BJAs undergo the Barangay Justice Advocacy Basic Course given by the TWG. Upon completion, they are given a Certificate of Participation and are issued a BJA identification card.

## 2. INSTITUTIONAL ASSESSMENT OF THE GRF AND THE CLG CONSORTIUM

The BJSS is being implemented through the leadership of the GRF and a recently formed consortium of Centers for Local Governance found in most regions of the Philippines. The CLGs were set up and supported under the USAID GOLD project as institutions that could provide a variety of support services to local governments consistent with the general Philippines strategy to decentralize government authority to the local level. The CLG Consortium has several purposes, foremost among them is to coordinate the implementation of the BJSS training and support program. In this section we examine the institutional, operational and financial performance of the GRF/CLG Consortium with regard to the BJSS program.

### a. *Institutional Motivation*

Although expressed in different ways, the Vision-Mission-Goal statements of the Gerry Roxas Foundation (GRF), Mindanao State University-Iligan (MSU-IIT/SOPREX), Mindanao State University-Marawi (MSU-Marawi), and Ateneo de Davao University (ADDU), essentially converge towards making a contribution to the achievement of peace, people-centered progress and sustainable development in Mindanao, through improved governance. They are the four institutions and members of the Centers of Local Governance (CLG) involved in the implementation of the Barangay Justice Services System Project (BJSS) in Mindanao and they are the subject of this institutional assessment.

All four institutions aim to achieve people-centered development and progress, and an improvement in people's lives. GRF envisions itself as "*people's movement for people's development.*" The Ateneo de Davao CLG wants to see "*a progressive Mindanao society where sustained people-centered development and genuine peace reign.*" MSU-IIT/SOPREX aims to serve primarily the people of Northwest Mindanao, while MSU-Marawi pledges to "*promote justice, peace and development of Lanao del Sur and its neighboring provinces within the Autonomous Region of Muslim Mindanao (ARMM).*"

They all adopted as a key strategy the delivery of local governance-related capability-building services for local government units (LGUs), non-government organizations, and people's organizations. For instance, the GRF commits itself to "*transform individuals and organizations into leaders of social development.*" The MSU-IIT/SOPREX envisions itself as a socio-culturally responsive and self-reliant, world-class learning center, to "*foster institutional capabilities for democratic local governance in the ethno-culturally diverse setting of Mindanao and the four member countries of BIMP East Asia Growth Area.*" The Ateneo CLG's stated that it shall focus on the "*development of efficiently and effectively managed LGUs and GOs, and an enlightened, self-determined and politically-mature citizenry to actively participate in local governance.*" Finally, MSU-Marawi, aside from its participatory researches and grassroots community planning on *governance and development*, committed itself to promote *capability building* for LGU officials, NGOs, and POs operating in its defined area of responsibility.

The stated institutional motivation of these CLGS coincides closely with the BJSS Project's vision of a "peaceful, happy families and empowered communities sustained by a responsive justice system" and with its mission "to develop strong community leaders and a citizen-based support system for barangay justice and judicial reform". Together, these partner CLGS form a

potentially impressive partnership to implement the BJSS Project in Mindanao that can draw from each other's strengths.

***b. Organizational Capacity***

**The Consortium of Centers of Local Governance**

The idea of forming the Consortium of Centers of Local Governance was first raised in late 2000, during a workshop held in Roxas City and hosted by the Gerry Roxas Foundation (GRF). At that time, GRF had completed a successful implementation of the first phase of a Barangay Justice Service System Project (BJSS), a USAID-funded project of the organization; the Foundation was then already involved in the institutionalization of the project and in nationwide replication. The GRF was planning to pilot the project in barangays nationwide and identified the various Centers for Local Governance (CLGS) as its partners. The CLGS were earlier formed in response to the need to train the local government units (LGUS) on various skills required for these LGUS, and had a good track record of responding effectively with relevant training programs. Since the BJSS Project required extensive training, the CLGS became the logical partners for the GRF.

There were eight original CLG members of the Consortium nationwide, with three of them coming from the Mindanao areas, Ateneo de Davao University (ADDU) in Davao City, Mindanao State University in Marawi (MSU Marawi) and Mindanao State University in Iligan, which formed the Soprex Foundation and established a separate entity from the university. From the 18 original incorporators, 14 were selected as members of the Board of Trustees and four among them were designated as interim officers.

The Consortium was then conceived as a means to decentralize capacity building programs, exchange information and share resources. It intended to create opportunities for interaction of members through dialogues, conferences and consultations. In short, the Consortium was seen as a vehicle for increasing the organizational capabilities of the various CLGS by joining forces to complement each other. As such, they considered the BJSS Project as a takeoff point to generate resources that could allow them to expand their services nationwide. They also anticipated the increased demand for their training services after the May 2001 elections, that may require them to share resources for training.

***c. Leadership***

The Consortium was registered with the Securities and Exchange Commission in July 2001, and had a four-person Executive Committee (EC) formed with Ms. Agnes Villaruz as President and two others representing organizations in Bohol and Cebu.

As an organization of equals, the Consortium intended to use consensus-building approaches to form decisions and agreements to ensure that members mutually benefited from activities and resources. But during its short history so far, the Gerry Roxas Foundation has singularly exercised leadership of the Consortium. Meetings were called; agendas were set and presided over by the Gerry Roxas Foundation. Other CLG members defer to the GRF for leadership, because it has the most advanced experience in the implementation of the BJSS Project. The GRF was also mostly responsible for originating new programs for funding and implementation.

For example, the GRF was the first organization among the CLGS to implement the BJSS Project. This places the GRF ahead of the rest, in terms of determining the best course of action for the BJSS Project implementation.

Ms. Agnes Villaruz, as president, has effectively exercised leadership over the Consortium since its inception. Although based in Roxas City, Ms. Villaruz has communicated well with the rest of the members. She is respected and well liked by key leaders of the other CLGs, as demonstrated by the support and response of the CLGs to the projects and activities initiated by the Consortium.

The dominant role that GRF has played in the leadership of the organization sums up the current state of the Consortium -- that has not really taken off the ground. The Consortium maintains an office in Cebu, but the secretariat is in Roxas City, a clear indication of a disjointed mechanism to coordinate operations of the Consortium.

***d. Organizational Structure***

The organizational structure of the Consortium resembles more the structure of a network of CLGs that places the GRF at the center of gravity. Although a Board of Trustees and Executive Committee officers were already selected, the GRF remains the most important player in the Consortium, as it is the one that initiates and administers the projects and handles the financial disbursements for the BJSS Project.

The current setup of the Consortium is fairly simple and pragmatic and responds well to the current basic needs of the project, as it allows uncomplicated decision-making and direct communications among member CLGS. This facilitates timely action and healthy interaction among CLGS in the Consortium.

But already, new needs are emerging. For example, materials developed in the context of Panay and Guimaras and which are now being used in Iligan, Marawi and Davao -- are sometimes found to be irrelevant to the needs of the local folks. According to the Executive Director of the MSU-Iligan/Soprex CLG, there were some materials that came from the GRF that they could not use and, therefore, had to resort to soliciting local resource persons to provide materials which were better suited to their needs.

***e. The Mindanao-based Centers for Local Governance***

Except for the Gerry Roxas Foundation, all the other three CLGS were attached to a university. Soprex Foundation in Iligan was attached to the MSU-Iligan, but decided to start a foundation to establish a separate legal identity from the university, for the purpose of maintaining financial autonomy. But all CLGS maintain direct links with their academic institutions and obtain from them the faculty resources needed for the training, curriculum development and management work for the CLGS.

## *1. Leadership, Governance & Structure*

All three Centers for Local Governance are attached to established tertiary educational institutions in Mindanao from which administrative control emanates. The Ateneo CLG is a unit under the College of Public Administration. It serves as the College's arm for outreach to the communities. The President of the university appointed the Executive Director to manage the CLG programs and the staff. The current Executive Director has occupied the position since 1992. In addition, the CLG has a separate BJSS program director and training staff.

The MSU-Marawi CLG is similarly linked with the university's College of Public Administration. The College Dean also serves as Executive Director of the CLG, while the Assistant Dean manages both the academic department and the CLG. The Executive Director has held the position since 1997.

The CLG is also linked with the MSU-Iligan Institute of Technology, but is structured differently. Senior administrators and faculty of the university formed the Southern Philippines Research Exchange Foundation (SOPREX) as an independent non-stock, non-profit corporation to serve as the Center for Local Governance of the University. The faculty takes charge of administrative, finance and logistical matters related to the CLG programs, while the MSU-IIT provides the pool of trainers. In addition, the CLG taps local people with the capability to translate materials from the GRF.

A link with universities brings a lot of benefits to the CLGs, especially those with long-standing extension and outreach programs, because such links facilitate entry into communities and liaison with local government units. Universities provide a ready reservoir of faculty and trainers, a major resource requirement as CLGS focus on training as their key activity.

## *2. Staffing/Human Resources*

Common to the three CLGs is the presence of a highly educated staff and lawyers in the training staff or pool. BJSS trainers of the Ateneo CLG all hold Master's degree, either in Public Administration or in Economics. Two out of six staff members have a law degree. In the N/W CLG, five out of eight trainers have either obtained their Ph.D. or are in the process of completing their social science doctoral programs. Two have Master's degrees either in Public Administration or Counseling. In the MSU-Marawi CLG, four out of seven trainers are PhD holders (Public Administration, Community Development & Educational Management). Others have completed BJSS-relevant Master's courses, such as in Social Work and Community Development. Yet, despite their strong educational backgrounds related to local governance and community development, they had to go through some BJSS skills and content trainings to prepare them for their BJSS training tasks.

This group of trainers with post-graduate degrees is one of the major strengths of the three CLGs that are of benefit to the BJSS project.

MSU-Iligan and MSU-Marawi offer to the BJSS Project the benefit of having Muslims as members of their faculty and staff, as these provide first hand knowledge and experience on Muslim customs and traditions. In addition, its access to experts in the Shariah Law and to

traditional Muslim leaders and elders provides an opportunity to render the BJSS Project more responsive to the needs of the people in Muslim communities.

### *3. Program Monitoring and Evaluation*

All three CLGs use the GRF-prepared English BJSS training manuals as guides and references for the BJSS trainings. Local CLGs make content adjustments and translation to the local dialect in some of these manuals, in order to make them more relevant and better understood by their constituents.

Based on evaluations administered immediately after the training, many respondents indicated that the programs were so packed that they required more time to absorb them. They also cited the lack of proficiency of the lecturers on the local dialects and the lack of more detailed popular education style self-study materials. The CLG trainers all used the Technology of Participation (ToP) as the instruction method.

The three CLGs also indicated that they had ample capacity to undertake baseline studies in target barangays. However, it is only the Ateneo CLG, to date, which has completed the said studies, with outputs such as the socio-political and economic profiles of target barangays and participants, and records of disputes filed and settled at the barangay level. The two MSU CLGs reported that they have not received the data from the target barangays and participants.

### *4. Financial Capacity*

At the end of fiscal year 2001, GRF revenues from the CLG Program amounted to Php 1,338,172.59. This accounted for at least 24% of GRF's revenues. Total cost of the CLG Project implementation amounted to Php 761, 971.84. Net revenues reached Php 122,514.83 in year 2001. GRF is among the oldest foundations in the Philippines. It has other programs and projects apart from the BJSS. The organization owns facilities that they rent out and has other businesses that bring in good revenues.

The Ateneo CLG balance sheet as of September 2002 showed cash in bank/on hand of Php 388,722.58. For MSU-Iligan CLG, cash in bank as of end 2000 is Php 794,976.11. MSU-Marawi CLG had the smallest amount of cash on hand for BJSS Phase 4 at Php 73,700.00.

ADDU and MSU Marawi have other strong sources of funding – revenues from the academic programs. Between MSU-IIT and SOPREX, the former shows more stability when it comes to finances. Being an educational institution, it can gather funds from its academic programs. SOPREX, on the other hand, relies heavily on revenues from consultancy services that can be an unpredictable source of income.

The Ateneo CLG indicated that the budget per training module is Php 30,000. Their trainer to trainee ratio ranged from 1 trainer: 19 participants to 1 trainer: 60.

For MSU-IIT/SOPREX CLG, the trainer to trainee ratio ranged from 1:20 to 1:25. For the MSU-Marawi CLG, ratio ranged from 1 trainer & 1 assistant to 12 participants to 1&1:34.

Among the four CLGS, MSU-Marawi was the only one that demonstrated financial uncertainty. All the rest showed sources of income other than the BJSS Project. MSU Marawi indicated the lowest cash position at only PhP 73,700.

For Phase 3, the GRF released funds to the Mindanao CLGs based on the allocation identified below. (Table 1)

**TABLE 1**  
**Allocation of Funds from GRF**

Course	No. of Pax	No. of Brgys.	No. of Days	Budget (in Php)
Katarungang Pambarangay	10	1	2	4,000
Mediation Skills	10	1	2	4,000
Basic BJA Paralegal Course	10	1	2	4,000
Bill of Rights	10	1	2	4,000
Counseling	10	1	2	4,000

Below is the estimate of the training budget based on actual number of barangays trained. (Table 2)

**TABLE 2**  
**Training Budget**

<b>ILIGAN</b>				
TRAINING MODULE	No. of Brgys	No. of Pax	Amount in Pesos	Amount in Dollar (@P50 per US\$1)
Katarungan Pambarangay	9	68	P 38,560.08	US\$ 777.22
Paralegal (includes Remedial Law)	8	75	P 38,560.08	US\$ 777.22
Bill of Rights	8	75	P 38,560.08	US\$ 777.22
Counseling	9	68	P 38,560.08	US\$ 777.22
Mediation	9	82	P 38,560.08	US\$ 777.22
Module per Brgy			P 4,284.44	US\$ 85.69
Amount per Cluster			P 96,402.00	US\$ 1,928.04
<b>DAVAO</b>				
TRAINING MODULE	No. of Brgys	No. of Pax	Amount in Pesos	Amount in Dollar (@P50 per US\$1)
Katarungan Pambarangay	15	90	P 60,000.00	US\$ 1,200.00
Paralegal (includes Remedial Law)	14	125	P 60,000.00	US\$ 1,200.00
Bill of Rights	14	125	P 60,000.00	US\$ 1,200.00
Counseling	10	79	P 60,000.00	US\$ 1,200.00
Mediation	15	56	P 60,000.00	US\$ 1,200.00
Module per Brgy			P 4,000.00	US\$ 80.00
Amount per Cluster			P 100,000	US\$ 2,000.00

<b>MARAWI</b>				
<b>TRAINING MODULE</b>	<b>No. of Brgys</b>	<b>No. of Pax</b>	<b>Amount in Pesos</b>	<b>Amount in Dollar (@P50 per US\$1)</b>
Katarungan Pambarangay	8	34	P 25,000.00	US\$ 500.00
Paralegal (includes Remedial Law)	7	15	P 25,000.00	US\$ 500.00
Bill of Rights	8	29	P 25,000.00	US\$ 500.00
Counseling	5	15	P 25,000.00	US\$ 500.00
Mediation	7	22	P 25,000.00	US\$ 500.00
Module per Brgy			P 2,500.00	US\$ 50.00
Amount per Cluster			P 62,500	US\$ 1,250.00

### 3. BJSS/BJA TRAINING PROGRAM ASSESSMENT

In this section, we address the issue of the quality, utility and impact of the training offered by the three Mindanao CLGs with the Gerry Roxas Foundation. As noted earlier, the BJSS training program has advanced through Phase III only, with Phase IV just underway. Of the three CLG regions, Ateneo de Davao has trained the largest number of BJAs and BJSS participants, followed by MSU-IIT and MSU Marawi. (Table 3)

**TABLE 3**  
**List Of Training Conducted (Phase III)<sup>3</sup>**

<b>CLG/Training Conducted</b>	<b>Date Conducted</b>	<b>Barangays</b>	<b>No. of Participants</b>
<b>Ateneo de Davao Resource Center for Local Governance</b>			
Bill of Rights	7/1/01	Olaycon, Tubo-tuybo, Mamonga, Babag, Baylo	37
	7/1/01	Aundanao, Pichon, Población Penaplata, Sta. Cruz, Talicud, Poblacion Kaputian	33
	7/1/01	Ibo, Kiblagon, Bulacan, Caputian, Población	55
Paralegal: Family Law/Basic Remedial Law	7/1/01	Olaycon, Tubo-tuybo, Mamonga, Babag, Baylo	45
	7/1/01	Aundanao, Pichon, Población Penaplata, Sta. Cruz, Talicug	35
ADR/Katarungang Pambarangay	8/1/01	Olaycon, Tubo-tubo, Mamonga, Babag, Baylo	31
	9/1/01	Pichon, Penaplata, Aundanao, Sta. Cruz	19

<sup>3</sup> Attendance among the modules overlap.

**TABLE 3**  
**List Of Training Conducted (Phase III)<sup>3</sup>**

CLG/Training Conducted	Date Conducted	Barangays	No. of Participants
<b>Ateneo de Davao Resource Center for Local Governance</b>			
Mediation Skills	9/1/01	Olaycon, Tubo-tubo, Mamonga, Babag, Baylo	33
	9/1/01	Pichon, Penaplata, Aundanao, Sta. Cruz	23
Promoting Family Peace in Basic Counseling	9/1/01	Pichon, Penaplata, Aundanao, Sta. Cruz	24
	9/1/01	Población, Ibo, Baclayon, Baybay, Kiblagon, Bolton	55
Paralegal: Family Law/Basic Remedial Law	8/1/01	Kiblagon, Ibo, Bulacan, Caputian, Población	56
ADR/Katarungang Pambarangay & Mediation Skills	8/1/01	Bulacan, Ibo, Población, Baclayon, Kiblagon, Tagansule	40
<b>MSU-Iligan</b>			
Bill of Rights/Family Law	7/1/01	Saray, Ma. Cristina, Mandulog	28-30
	8/1/01	Mago-ong, Purakan, Población, Bosque, Samburon	45
Katarungang Pambarangay	7/1/01	Saray, Ma. Cristina, Mandulog	25
	8/1/01	Mago-ong, Purakan, Población, Bosque, Samburon	43
Remedial Law	7/1/01	Saray, Ma. Cristina, Mandulog	29
	8/1/01	Mago-ong, Purakan, Poblacion, Bosque, Samburon	47
Mediation Skills	7/1/01	Saray, Ma. Cristina, Mandulog	30
	7/1/01	Mago-ong, Purakan, Poblacion, Bosque, Samburon, Larapan	52
Counseling Skills	7/1/01	Saray, Ma. Cristina, Mandulog	28
	7/1/01	Mago-ong, Purakan, Poblacion, Bosque, Samburon, Larapan	40
Family Laws	8/1/01	Mago-ong, Purakan, Población, Bosque, Samburon	44
<b>MSU-Marawi</b>			
Paralegal Training	6/1/01	Buadidinya, Masion, Rantian, Rmain Ditsaan, Pabalonga	15
Mediation Skills	6/1/01	Barimbingan, Duadi-dolok	22
	8/1/01	Cabingan, Dayawan, Banga, Lomidong, Rapasur, Songaky Osmena, Raya Madaya	29

**TABLE 3**  
**List Of Training Conducted (Phase III)<sup>3</sup>**

CLG/Training Conducted	Date Conducted	Barangays	No. of Participants
<b>Ateneo de Davao Resource Center for Local Governance</b>			
	8/1/01	Cabingan, Dayawan, Banga, Lomidong, Rapasur, Songaky Osmena, Raya Madaya	34
Basic Counseling Skills	7/1/01	Ditsaan Ramain, Rapasur, Ratia-an, Barimbingan	15

In collaboration with CLG leadership the team brought together local level BJSS trainees from the three regions in a one-day meeting held in Davao City. As indicated in the methodology section above, the intent was to issue a structured questionnaire to all participating trainees, followed by organized discussion groups focused on BJSS performance and how training and other support might be improved. Advance discussions with CLG leaders from each region concluded with agreement to select 50 BJSS Phase III trainees from each region to attend the Davao meeting on Nov. 9 – 10. The team was concerned that Muslim trainees might not wish to participate due to Ramadan, but was assured by CLG leaders from Marawi and Iligan that this would not be an issue.

As can be seen from the table below, while both Iligan and Davao came close to meeting their target, only 18 persons from Marawi were able to attend. The reason given for the shortfall was reluctance to travel on Ramadan, but it may also be that the smaller pool of trainees in Marawi made it more difficult to find 50 persons willing to travel. (**Table 4**)

**TABLE 4**  
**Regional Representation in Davao Survey**

CLG	No.	%
Iligan	46	43%
Marawi	18	17%
ADDU	43	40%
<b>Total</b>	<b>107</b>	<b>100%</b>

Altogether, the team was able to administer a questionnaire to 107 BJSS trainees, in addition to collecting qualitative data from the trainees through formal working group sessions after the questionnaire was completed. The questionnaire and details of the Davao meeting may be found in Appendix 5 and 6.

Before turning to the trainees' responses to questions about the relevance, utility and impact of the BJSS training, we present data about the profile of the respondents.

*a. Profile of Respondents*

At the outset it is important to note that the trainees who attended the Davao meetings were not randomly selected. Instead, CLG leaders were asked to select a representative group, but it is likely that the selection process was influenced by who was able to come, and by considerations of personal interest and commitment. Therefore the respondents as a whole may be better educated and more balanced than might be produced by a totally random selection.

Overall, 107 respondents represents 38<sup>4</sup> percent of the total number of BJSS activists trained during Phase III in all three sub-regions of Mindanao. It is therefore a substantial portion of the total, and the data presented below may be considered to be a reasonably accurate portrayal of the attitudes and judgments of BJSS/BJA trainees who will be active in dispute settlement in their Barangays.

Noteworthy also is the balance between BJA trainees and other members of the KP process as seen in **Table 5**. Of the 107, 6 Lupon Chairman and other members were also identified as BJAs, reflecting some overlap in the criteria for selection.

**TABLE 5**  
**Respondents KP Position**

Position	Freq.	%
Lupon Chairman	21	20%
Lupon Secretary	12	11%
Lupon Member	21	20%
Barangay Justice Advocate	50	47%
Others	1	1%
A.8 Position in BJSS		
No response	2	2%
<b>Total</b>	<b>107</b>	<b>100%</b>

It is encouraging to note that there is relative gender equality in who is being trained as demonstrated by **Table 6**.

**TABLE 6**  
**Gender Representation of Trainees**

Gender	All		BJAs	
	Freq	%	Freq	%
Male	55	52%	25	50%
Female	51	48%	25	50%
<b>Total</b>	<b>106</b>	<b>100%</b>	<b>50</b>	<b>100%</b>

<sup>4</sup> This is an estimate based on an examination of training participant records submitted by the CLGs in Mindanao.

Respondents were asked to state their main occupation. Of the 107, 47 are either Barangay captains or other members of the barangay staff. The remaining respondents are distributed across a range of occupations, including 24 farmers and fisherman, and 20 housekeepers. Only 3 businesspersons appeared. It is surprising to find such a high percentage of trainees who are paid LGU workers. (Table 7)

**TABLE 7**  
**Respondent Occupations**

Occupation	No.	% (N=107)	No. BJAs	% (N=50)
Barangay Captain	10	9%	1	2%
Barangay Kagawad	9	8%	5	10%
Barangay Secretary	10	9%	3	6%
Barangay Health Worker	3	3%	3	6%
Barangay Clerk	2	2%	1	2%
Business	4	4%	2	4%
Carpenter	1	1%		0%
Driver	2	2%	1	2%
Driver/Mechanic/Farmer	1	1%		0%
Electrician	1	1%	1	2%
Employee	1	1%	1	2%
Farmer	16	15%	6	12%
Fisherman	1	1%	1	2%
Gov't Employee	3	3%	3	6%
Housekeeper	13	12%	7	14%
Laborer	1	1%		0%
Lupon Member	1	1%		0%
None	6	6%	5	10%
Retiree	4	4%	2	4%
Self-Employed	2	2%	1	2%
Student	5	5%	2	4%
Teacher	1	1%	1	2%
No response	10	9%	4	8%
<b>Total</b>	<b>107</b>	<b>100%</b>	<b>50</b>	100%

The BJA role seems to be predicated on the assumption that respected, mainly more senior members of the community would be the most effective facilitators and mediators. It is interesting to note that only 20 of the 107 respondents was above the age of 50, while 22 were below 30 years of age. Among BJAs only, the proportion of persons below 30 was slightly higher. (Table 8)

**TABLE 8**  
**Age Distribution**

Range	All		BJAs		Non-BJAs	
	No.	%	No.	%	No.	%
30 and below	22	21%	11	22%	11	19%
31-40	31	29%	13	26%	18	32%
41-50	34	32%	17	34%	17	30%
51-60	15	14%	7	14%	8	14%
61 and above	5	5%	2	4%	3	5%
<b>Total</b>	<b>107</b>	<b>100%</b>	<b>50</b>	<b>100%</b>	<b>57</b>	<b>100%</b>

The respondents were exceptionally well educated, with 53 percent having college or postgraduate education. This may reflect the high levels of education attainment in the Philippines, as well as the tendency for more educated people to be selected for leadership roles and training. (Table 9)

**TABLE 9**  
**Educational Level**

Education	All		BJAs		Non-BJAs	
	Freq.	%	Freq.	%	Freq.	%
Post Graduate	9	8%	7	14%	2	4%
College	48	45%	23	46%	25	45%
High School	34	32%	14	28%	20	36%
Elementary	12	11%	5	10%	7	13%
None	3	3%	1	2%	2	4%
<b>Total</b>	<b>106</b>	<b>100%</b>	<b>50</b>	<b>100%</b>	<b>56</b>	<b>100%</b>

The religious profile of the respondent group is heavily skewed toward members of the Christian faith, with only 21 percent of the respondents adhering to Islam. Only 14 percent of the BJAs are Muslims. This low percentage of Muslims may be a function of the stage that the training program was in (Phase III), where most of the emphasis has been on more accessible and better educated populations in urban and peri-urban areas, as well as by the inclusion of Davao city participants, a predominantly Christian area. The low number of Muslims may also be a warning that the Muslim populations may be more difficult to access and recruit for this kind of training program. (Table 10)

**TABLE 10**  
**Religion**

Religion	All		BJAs	
	No.	%	No.	%
Catholic	76	72%	41	82%
Islam	22	21%	7	14%
Others	8	8%	2	4%
<b>Total</b>	<b>106</b>	<b>100%</b>	<b>50</b>	<b>100%</b>

**b. Training Selection**

As explained above, BJSS training in Phase III in Mindanao has been given to a wide assortment of individuals, including LGU officials, as well as to private citizens. Many of the trainees are not BJAs in the formal project sense of the word. Training for barangay officials more generally may still help to improve the quality of the overall BJSS process, which is the main concern of the Roxas/CLG effort.

To better understand how people got into the Phase III training, we asked the respondents to tell us how they were selected. Table 8 below shows that well over half, 64 %, were asked by the Barangay Captain to attend the training. The next largest group was contacted by the CLG directly. (Table 11)

**TABLE 11**  
**Selection of BJSS Trainees**

<i>Question B.1 How were you selected to take training from CLG?</i>	All		BJAs	
	No.	%	No.	%
I requested it after hearing about it.	7	7%	3	6%
The Barangay Captain requested that I attend.	49	46%	32	64%
I was contacted by the CLG and invited.	30	28%	10	20%
I am a member of Lupong Tagapamayapa and training is required.	7	7%		0%
I don't remember	2	2%	1	2%
Others	5	5%	1	2%
No Response	7	7%	3	6%
<b>Total</b>	<b>107</b>	<b>100%</b>	<b>50</b>	<b>100%</b>

**c. Training Effectiveness**

Before asking respondents to rate the training programs on various measures of relevance, effectiveness and impact, we established that nearly all the respondents had completed the basic BJSS training modules offered by the CLGs, under Phase III of the program. The main exception was that only 7 percent had attended any training on Sharia Law, a percentage lower than the number of Muslim respondents.

The Philippine civil society is well known for the level of training various grass roots workers have received through donor assistance and local foundation programs. This group was no exception. More than half of the respondents (53 %) responded “Yes” when asked if they had received similar training from other sources.

Turning to assessing the relevance and utility of the USAID sponsored Roxas/CLG BJSS training program, respondents were asked to rate the knowledge and understanding about the BJSS/BJA role that they received from the training program. Ratings given were for the most part very adequate, to more than adequate for most of the respondents when asked, “I gained new knowledge and understanding about:...” Several areas suggest that more emphasis needs to be given. Respondents indicated some need for:

- ▶ More work on techniques in dispute mediation
- ▶ More training in application of relevant laws to different disputes
- ▶ Better understanding of the role and functions of KP members
- ▶ Making people aware of the KP (advocating use of BJSS)
- ▶ More work on how to counsel (similar to dispute mediation)

A related question asked of BJAs only focused on how each respondent rated their own “effectiveness” as a BJA. Again, the majority of BJA respondents rated themselves “very” or “somewhat effective” on all skills covered in the training. There were some skills where between 15 and 25 percent rated their work as “somewhat ineffective”, or as “not effective”. This suggests more attention might be paid to:

- ▶ Advocating the BJSS to others (see above)
- ▶ Convincing people to go to mediation for their disputes
- ▶ Facilitating mediation sessions

Respondents were also asked to rate the level of improvement in their own skills in carrying out the functions of the BJSS/BJA, after taking the training. Seven skill areas were identified, including providing counseling, facilitating mediation, and knowing the legal basis for decisions made by the Lupon. Only 9 percent reported “no change” or “not sure” about training impact. On average, 62 percent rated themselves as “somewhat better”, while 29 percent said “very much better.” Although clearly the respondents valued the training and believe that they are more effective because of it, three areas were identified where the enthusiasm was somewhat tempered:

- ▶ Persuading parties to enter into a compromise
- ▶ Using appropriate techniques to deal with conflicts
- ▶ Knowing the legal basis for decisions

These three areas received somewhat lower improvement ratings than other skill improvements.

Respondents were asked a summary question about the usefulness of the CLG training. The response was overwhelmingly positive, as displayed in the following table. (**Table 12**)

**TABLE 12**  
**BJSS Overall Training Usefulness**

<i>Question C.5 Overall, how useful has the training you have received been in doing your job as a member of the Lupong Tagapamayapa or as a BJA. Circle the letter next to the statement that best represents your view.</i>	<b>No.</b>	<b>%</b>
I could not do my job properly without the knowledge and skills received from my training.	25	31%
My work has improved a lot because of the training	45	56%
The training was generally useful, but not essential to my work.	9	11%
The training was interesting, but not very useful in my work.	1	1%
<b>Total</b>	<b>80</b>	<b>100%</b>

#### **4. ROLE OF LUPONG TAGAMAYAPA AND BJA**

The Barangay Justice Advocate (BJA) is a new, non-formal addition to the KP, as described in Section F previously. The team wanted to know how the system was operating in practice, including the role of the BJA. As conceived by the Roxas Foundation proposers, the BJA would be a supplemental advocate and would be the initial point of contact for complainants in disputes. More important, his or her job was to advocate to citizens for the use of the BJSS process, and to educate them about the process, as well as to the quasi-legal function of the BJSS. BJAs were also expected to explain to barangay members their options and rights under Philippine law. The Roxas description of the BJA's role uses terms like facilitator, educator, advocate, clearly indicating that BJA is not meant to supplant the LT, rather their job is to energize and supplement it.

In this section we examine how the BJSS system works in practice. We developed evidence on the functioning of the LT, the BJA, and on other conflict resolution processes operative in the target areas of interest to USAID and Roxas. We examined data from questionnaires given barangay officials and BJAs in Davao City, as well as reports from the same persons who met in working groups at the same meeting. We also commissioned contextual studies undertaken in Iligan City and in nearby areas, and illustrated the actual dispute resolution process with several "mini-cases".

##### **a. Becoming a BJA**

Turning first to the questionnaire generated data, we start with how barangay citizens find their way into the BJA role. Most BJAs were selected by the Barangay Captain and requested to take the job. This could be interpreted as a politicized process by which the Captain appoints his own supporters for the role. However, since there is no remuneration for being a BJA, and it is a time

consuming, as well as potentially stressful job, it is not likely that the BJA is seen as desirable patronage.

Still, the allegation might be made that BJAs are not neutral or independent. This would not be a very serious charge, if BJAs confined themselves to education, advocacy and facilitation. We shall see that BJAs are frequently the first line of actual mediation and counseling, being actively engaged in the dispute resolution process, usually with the encouragement and support of the Barangay Captain. **(Table 13)**

**TABLE 13**  
**Becoming a BJA**

<i>Question D.1 (For BJAs only) How did you come to be a BJA or member of the LT?</i>	No.	%
I learned about it and volunteered by services	13	36%
The Barangay leaders asked me to volunteer	20	56%
My neighbors and relatives thought I should do it.	0	0%
I have always tried to help so this was not new for me.	3	8%
<b>Total</b>	<b>36</b>	<b>100%</b>

As shown in Table 11, once a person becomes a BJA, assuming he or she remains active, the BJA does carryout the expected educational and advocacy tasks, but they also participate directly in dispute resolution. The data shows that 63 % of the respondents frequently or very frequently participated direction in mediation of disputes. **(Table 14)**

**TABLE 14**  
**BJA Reported Activities, 2002**

<i>Question D.2 (For BJAs only) Thinking back to the beginning of this year, what activities have you done in your role as BJA.</i>	Very Frequently	Frequently	Occasionally	Rarely	Never	Total Responses
a. I have advocated the BJSS to the other barangays	7 21%	9 26%	9 26%	2 6%	7 21%	<b>34</b> <b>100%</b>
b. I now persuade people in the barangay to consult BJAs before filing formal complaints	8 22%	18 50%	6 17%	3 8%	1 3%	<b>36</b> <b>100%</b>
c. I have explained to people about how the law work	4 11%	21 58%	6 17%	5 14%	0 0%	<b>36</b> <b>100%</b>
d. I have been involved directly in mediation of disputes	7 20%	15 43%	5 14%	5 14%	3 9%	<b>35</b> <b>100%</b>
e. I have been able to refer people to government agencies and NGOs that can help them with problems	2 6%	12 35%	12 35%	7 21%	1 3%	<b>34</b> <b>100%</b>
f. I have convinced people to take their disputes to the KP for mediation	5 14%	16 46%	6 17%	6 17%	2 6%	<b>35</b> <b>100%</b>

One hypothesis about the BJSS is that the KP law simply formalized what had already existed in the barangay, that is an informal system of dispute resolution which fitted Philippine culture and responded to the high cost, and perceived corruptability of the more formal judicial system. To test this, we asked all trainees whether they had been active in dispute resolution before the training. The responses indicate that about 30 percent of the trainees had not been active before, and that the BJSS/BJA role was new. Between 38 and 50 percent said that they had been active on occasion, and about 25 percent claimed that they were frequently involved in dispute resolution and mediation in their communities.

Following up on the same line, we inquired whether members of the Lupong Tagapamayapa (the more formal legalized mechanism at the Barangay level for alternative dispute resolution) had become more active during 2002, as a result of the BJSS project. More than 70 percent of the respondents felt that they had become more active in mediation and dispute resolution during this period. This finding supports the more general picture that the BJSS/BJA training program is “energizing” the barangay leadership to become more active and effective in dealing with local level disputes.

**b. The Trainees Assessment: Does the project make a difference?**

We have already presented self-reported evidence that BJSS/BJA participants in the training feel more competent, effective and relevant, and believe that their training is making a difference. To further test these emerging conclusions, we asked respondents to compare the current year with previous years activity. We asked the respondents to select a statement describing the previous year’s operation of the barangay dispute settlement process. The responses are presented in **Table 15** below. The respondents were almost evenly divided in their opinions about whether the BJSS had been an effective process in the past. While 51 percent said “yes”, 48 percent said “limited” or “not much used”. Since nearly 50 percent of the respondents were also barangay officials, further analysis might reveal that “officials” perceive BJSS as active, while ordinary citizens brought into the process more recently have a very different view. When asked to rate the level of activity of the BJSS today, 62 percent of the respondents rated the process as “very active”, while 48 percent felt otherwise. This data is presented in **Table 16**.

**TABLE 15**  
**Past Effectiveness of the BJSS**

<i>Question E.1 Think back to 2001 or before. Please give us your view about how effective the KP was in settling disputes in your barangay.</i>	<b>No.</b>	<b>%</b>
The KP was very active and effective in solving disputes	51	51%
The KP was used by people to a limited extent	24	24%
Not many people knew about the BJS or LT and therefore it was not used much	18	18%
The BJSS and LT were totally inactive in the past	6	6%
Don't know	1	1%
Others	0	
<b>Total</b>	<b>100</b>	<b>100%</b>

**TABLE 16**  
**Current Effectiveness of BJSS**

<i>Question E.2. Now in 2002, please give us your view about how effective BJSS is as a means for settling disputes</i>	No.	%
The BJSS is very active and effective in solving disputes	60	62%
The BJSS is used by people to a limited extent	17	18%
Not many people know about the BJS or LT and therefore it is not used much.	15	15%
The BJSS and LT are still inactive.	2	2%
Don't know	0	
Others	3	3%
<b>Total</b>	<b>97</b>	<b>100%</b>

Resolving disputes among members of one's own community can be very rewarding, but the role is a demanding one, requiring both time and considerable psychological investment in what could be a high risk, high stress activity. From our contextual studies in Iligan, we learned that in one barangay, 4 out of the 7 persons trained to be BJAs became inactive within the first year. To gauge the level of satisfaction with their role, we asked respondents whether they would recommend the job to a friend. A substantial majority, 63 percent, would strongly recommend becoming a BJA, while 37 percent would be more cautious. (Table 17)

**TABLE 17**  
**BJA Job Satisfaction**

<i>Question E.3 If asked by a friend in another Barangay whether they should become a BJA, what would be your response?</i>	No.	%
strongly recommend	60	63%
Advise he/she to think carefully	30	31%
Recommend against it	2	2%
Not sure, it depends	4	4%
<b>Total</b>	<b>96</b>	<b>100%</b>

**c. Limiting Factors to Success of BJSS**

There are several limiting factors for the success of the BJS process, and the BJA role in particular.

Any system that relies heavily on volunteers for continuous operations is difficult to sustain. Fortunately, the KP structure is mostly staffed with persons who also have employment in the barangay LGU, and as we have seen, the Barangay Captain is a key figure in determining who does what at the local level. The BJA, on the other hand, is a volunteer, and must remain motivated and committed to a task that offers no financial reward. Whether this commitment can be sustained is an open question.

The BJA role was conceived because analysts at GRF and elsewhere found that the barangay justice system (BJS) was not well known or sufficiently used by citizens for dispute resolution outside the formal court structure. It was believed, according to GRF leaders, that re-energizing the BJS at the local level would promote community peace and harmony, while at the same time, reduce the caseload burden on the Philippine court system. We have already raised doubts about whether an active and effective BJS has a direct impact on formal judicial caseload. We have already presented evidence that there may be some positive impact on peace and harmony. For either of these impacts to be realized, however, the BJS must achieve a higher level of activism than in previous years. The main purpose of the BJA is to promote greater use of the BJS.

Is the BJS/BJA process working? We asked our Davao respondents to give us their judgment by indicating whether they strongly agreed, agreed, were neutral, disagreed or strongly disagreed with a number of statements about problems faced by the BJS in their barangays. The overall picture that emerges is somewhat contradictory. Respondents overwhelmingly approved of the BJS and agreed that it was making a difference. When asked whether the BJSS is doing a lot to resolve local disputes and conflicts, 93 percent of the respondents agreed, 41 percent strongly agreed. Sixty-eight percent also believed that without the BJSS process, local conflicts and disputes would end up in the formal courts.

On the other hand, respondents saw serious problems with BJS, as it operated in their barangay. Forty eight percent felt that the problems in their community were “too big” to be resolved by mediation, 56 percent agreed that very few people in their barangays know about the BJS, and 56 percent agreed that very few people availed themselves of the BJS services for dispute resolution. Interestingly, 82 percent of the respondents agreed that people in their barangays could not afford to take their complaints to a lawyer and to the Philippine courts.

#### *d. Improving the Role of the BJSS/BJA*

Using both the structured questionnaire and a series of questions put to the Davao City workshop participants, we prompted them to tell us what could be done to deal with some of the issues and to make the overall program more effective.

For groups with Muslim members, we asked them questions about whether the BJSS/BJA needed to be done differently to accommodate Muslim culture, institutions and religious law.

We examine first the results of the questionnaire, followed by general recommendations and suggestions from the discussion groups. A separate section will deal with the special characteristics of the Muslim regions.

We asked each respondent to examine four propositions for changing the BJSS/BJA program and to say whether they thought the proposal was very important, important, moderately important, of little importance, or not at all important. The responses are presented in **Table 18**.

**TABLE 18**  
**Proposals for BJSS/BJA Improvement**

<i>Question E.5 What would you recommend to improve the BJA role in your Barangay. Look at the statements below and tell us how important each is for improving the work of the BJA or the BJSS in your Barangay.</i>	<b>Very Important</b>	<b>Important</b>	<b>Moderately Important</b>	<b>Of Little Importance</b>	<b>Not important</b>	<b>Total Responses</b>
a) Make the training more relevant to actual conditions and problems.	64	31	2	0	0	<b>97</b>
	66%	32%	2%	0%	0%	<b>100%</b>
b) Provide continuous “in service” training and follow-up support to BJAs.	68	28	2	1	0	<b>99</b>
	69%	28%	2%	1%	0%	<b>100%</b>
c) Provide salary and expense money for BJAs	58	27	8	4	1	<b>98</b>
	59%	28%	8%	4%	1%	<b>100%</b>
d) CLGs or somebody should provide other technical assistance to help us mediate difficult problems.	39	39	12	3	4	<b>97</b>
	40%	40%	12%	3%	4%	<b>100%</b>
e) For those of us in Muslim majority areas, we need more understanding of Sharia Law.	45	21	1	3	3	<b>73</b>
	62%	29%	1%	4%	4%	<b>100%</b>

Turning to the working group reports, we find similar support for the above propositions, and some interesting new ideas for keeping the motivation and commitment at a high level.

The idea of some kind of financial incentive to keep the BJAs involved was discussed by all groups. Most concluded that expense money and some kind of honorarium would help sustain interest and involvement. Some said that not only the BJAs, but the barangay LGU needed to allocate funds specifically to the operations of the BJSS, implying that currently this was done, if at all, on an ad hoc basis.

Another generally accepted notion was the idea of some form of “continuing education and experience sharing” for all barangay BJSS activists in the region would be very useful. People wanted to develop skills and keep their knowledge up to date.

Some form of continuing technical assistance from CLGs was the third major idea coming from the working groups. This was reinforced by the questionnaire data that indicated that many respondents already had a close working relationship with the CLG in their area. **(See Table 19)**

**TABLE 19**  
**Continuing CLG Support for BJSS**

<i>Question B.3. Have you received any other support from the CLG regarding your work in the Katarungang Pambarangay after completing your last training module?</i>	No.	%
Yes	40	41%
No	28	29%
Don't Know	2	2%
<b>Total</b>	<b>70</b>	<b>71%</b>

While more could be done, it is encouraging to learn that 41 percent of the respondents were already receiving follow-up support from the CLGs.

*e. Effectiveness of the BJSS and the BJA in Relation to KP*

The training given under the BJSS Program has proven to be useful and relevant, not only to the BJAs but to the Punong Barangays and to the members of the LT. The training did not only enhance their knowledge, but has developed their skills especially in counseling and mediation. In some LGUs, the coaching strategy among the participants, wherein they themselves served as resource persons and exchanged and shared expertise during the succeeding training, is recommended by the BJAs and LT. Nevertheless, there is still a strong need for follow-up training, which will upgrade and further deepen the knowledge, skills, and attitudes of these people.

Specifically, the BJAs are proving to be effective instruments in strengthening the KP and making the justice system more accessible to the community in addition to the KP. There were feedbacks that BJAs are greatly appreciated in the way they handle conflict resolution in an amiable, friendly, and informal manner, compared to the *LT* who are more “formal and legalistic” in resolving disputes. Likewise, Punong Barangays have more time and chances to take care of other concerns in their communities, since they started referring cases brought to their attention to the BJAs as the first step in settling disputes. Moreover, bringing cases to the BJAs is free of charge, whereas there are barangays which charges a certain amount for the appearance of every member of the Pangkat ng Tagapagkasundo who are composed of LT members during the hearing of cases. However, it can be observed that most BJAs are organic to the barangay (either barangay kagawad or secretary) making coordination with the Punong Barangay or the LT easy and smooth.

On the other hand, there are BJAs who are not performing their function after they have undergone the training. Since they perform on a voluntary capacity, they cannot be forced to perform their role, nor can they be made to handle a case if they do not want to.

There is a consensus that all barangays must be included and not just a few pilot ones. Coordination between the Ateneo de Davao – CLG and the Municipal Local Government

Operations Officer (MLGOO) of the DILG is ongoing regarding the program implementation. Unfortunately, the barangays are unable to provide the needed financial counterpart for the BJSS training. Thus, the LGUs will provide financial assistance to support the 2003 BJSS training .

## **5. CASE STUDIES OF KP/BJSS IMPLEMENTATION IN SELECTED LGUS**

To gain a greater appreciation for the actual functioning of the BJSS participants after they received training, the study team conducted several on site visits in various areas of Mindanao. One member of the study team examined the workings of the BJSS in four LGUs in the selected program covered areas, which include Island Garden City of Samal in Davao del Norte, Malalag in Davao del Sur, Banaybanay in Davao Oriental, and Monkayo in Compostela Valley. These LGUs are all in Region XI and are included in the Phase III of the **BJSS Program**. The Ateneo de Davao serves as the CLG implementing the **BJSS** in these areas.

A second team member did more extensive field research in the Iligan area of Region XI. Marawi State University-IIT CLG located in Iligan city served these areas.

We present first the findings from the Ateneo de Davao service area.

### ***a. Island Garden of Samal***

In the Island Garden of Samal, all that had taken place under the **BJSS Program** was the conduct of the BJSS training course in 2001, which was provided with a financial counterpart by the LGU. The DILG, which was supposed to be a member of the BJSS – TWG was neither informed nor consulted about the Program. The *purok* leaders are the ones authorized by the *barangay* to resolve disputes and help them make the justice system accessible to the people.

### ***b. Banaybanay***

In Banaybanay, there has yet to be activities implemented on the **BJSS Program**. Although only five *barangays* have been identified for the Program, there is a consensus that all *barangays* must be included and not just a few pilot ones. Coordination between the Ateneo de Davao – CLG and the Municipal Local Government Operations Officer (MLGOO) of the DILG is ongoing regarding the program implementation. Unfortunately, the *barangays* are unable to provide the needed financial counterpart for the BJSS training. Thus, it will be held in 2003 with financial assistance from the LGU.

### ***c. The Muslim Regions, Dispute Settlement and the BJSS Program***

Phase III of the BJSS program began to introduce BJSS training to Muslim and Christian Muslim communities in ARMM and the Iligan region. It is expected that by Phase V, USAID's support will be primarily for accelerated development of the BJSS program in ARMM. Although the USAID SOW contains only one question, "how does the program interface with tribal and Islamic laws", the movement of the BJSS into full scale engagement with ARMM and other Muslim areas makes this question highly significant, and the answers of critical importance to the organization and content of the entire BJSS program.

We have already noted in the Institutional Assessment section that the Marawi and Iligan CLGs have had to adjust training materials supplied by GRF to better fit the context and background of

Muslim areas. We have made several institutional suggestions that in the team's view would enhance the role of the CLGs in Mindanao generally, and permit a better interface between the program and the patterns of local dispute resolution and law in Mindanao, especially in Muslim or mixed areas.

We have made a special effort to develop data on the issues raised in the SOW, and by the USAID objective of supporting BJSS in ARMM. Special sessions of Muslim trainees were held at the Davao City meetings in early November, at which Muslim BJSS trainees were encouraged to address how BJSS would work in their barangays. We also commissioned separate, on the ground, contextual studies of three barangays with Muslim majority or mixed populations in northwestern Mindanao. Our original intent was to study barangays in ARMM, but this proved difficult for reasons that will be made clear below. The data presented here was drawn from the Iligan City region.

Muslim BJSS trainees at the Davao workshop were asked to develop group responses to the following questions:

1. Does the BJSS work in Muslim communities?
2. Why or why not, what is different?
3. Without BJSS, how would local conflicts and disputes be handled by the community, if at all?
4. Does introducing the BJSS make things better, or not, for attaining peace and harmony in your community?
5. If there is a dispute in a Muslim family, what is the best way for the community to deal with it, if at all?
6. Is it possible to reconcile Sharia and Philippine State Law...or is it not a problem?
7. How do Muslim communities perceive the introduction of BJSS into their community...happy, suspicious, threatened, mixed, wait and see, ignore it?

This list was prompted by some of views expressed during our extensive discussions with the leaders of CLGs from Marawi City and Iligan, who argued forcefully that the Muslim environment was different, the issues were different, and that the existing pattern of local governance had little resemblance to the more developed barangay system found in other parts of the Philippines.

Of the 10 working groups formed at Davao, three were from Muslim areas. Their responses are summarized below:

Three groups said that BJSS works in Muslim areas.

- ▶ All three said that Muslims are law abiding, because they have to obey three laws, and their traditional leaders. Without BJSS, Muslims call on traditional leaders, imams, and other civic leaders. All agreed that introducing BJSS increased the possibilities of peace and harmony. In settling family disputes, it was best to use mediation and the BJS/BJSS with traditional leaders, otherwise "magtatampo sila." [What does this last word mean?]
- ▶ Reconciliation of Sharia and other laws was seen by one group as not possible, since Christians and Muslims had too many dissimilarities; another group said if there was

conflict, the “governing law” would prevail, while the third group said that all laws were good.

- ▶ Regarding the introduction of BJSS into Muslim communities, the attitude initially was “wait and see”, rather than somewhat more appreciative; but one group said that it would work only if “professional ulamas and the traditional bodies were involved.

Several cautionary themes emerged from the reports of the 22 Muslims who attended the Davao City workshop. First, there was a willingness to accept the BJSS as an approach that would bring benefits to their community. Second, the communities would be somewhat non-committal during the initial stages of this program, waiting to see what happened, and third, most importantly, was that the traditional leaders and means by which Muslim communities governed themselves had to be included in the process.

How much credence can be given to these responses, bearing in mind that the participation of 22 Muslims in a group of 107 mostly Christian trainees at a meeting where trainees may have been motivated by a desire to keep everybody happy, might be a situation that would inhibit the expression of suspicion, skepticism or dissatisfaction.

The data from the field studies provides more ground for some skepticism about how well the BJSS program will do in the Muslim areas. Three barangays were investigated. Each had from 7 to 11 BJAs recently trained at SOPREX, although in one barangay, 4 had already become inactive.

The socio-economic situation in each barangay was different; one was predominantly agricultural and was active in logging (illegal); another was peri-urban with some agriculture, and the third consisted mostly of dockworkers with some fishing folks. Regarding religious affiliation, the agricultural barangay was 40 % Muslim, and the other two more urban barangays were over 95% Christian.

In each barangay, the Captain or former Captains had all taken BJA training and were active in the program. The types of conflicts they mediated were as expected: non-payment of debt (estafa), physical assault, oral defamation, marital domestic violence, and disputes over land boundaries and occasional land “grabbing”.

One BJA estimated that the number of cases brought to the barangay level averaged 3 to 5 per month, while in the most urban (and possibly the poorest) barangay, the average was 25 – 30 complaints per month.

All of the BJAs reported that they were actively involved in mediation and dispute resolution. Two BJAs, one now a Barangay Captain, credit the BJA’s mediation skills with reducing the number of complaints brought to the KP. In another barangay, the BJA pointed out that the presence of trained BJAs is what gives the program a real identity at the neighborhood level, where people have little awareness of the KP or the BJSS, but do look to the BJA.

## **1. The Case of the Urban Poor Association**

One of the pressing issues of the barangay is urban land reform. A large number of households have no houses to call their own. The income level is very low as most are casual laborers on the docks. The barangay has little income to help. To try to rectify the situation, an association of urban poor was organized to raise funds to purchase residential lots for members. When funds started to come in, the trouble started. The President of the association accused the treasurer of not following proper procedures for the release of funds. The barangay captain, trained as a BJA, learned of the issue, and worried that it would destroy the organization. He used his position to bring the parties together and worked with them to reach an agreement. He counseled all that they must follow their procedures, or the organization would be in disrepute and not be able to raise money from donors. The agreement was signed and the president and treasurer promised to improve their relationship.

In all three barangays, the intermingling of “official status” and BJA training has substantially increased the influence of the BJA and their ability to successfully mediate disputes.

## **2. Non-Payment of a Debt**

Mrs. X is a public school teacher in an elementary school in the barangay. Due to cash flow problems, she obtained a loan from a private lending institution in the city center. For unknown reasons, she defaulted on her payments. The lender filed a complaint in the barangay. The former Captain, trained as a BJA, spoke with Mrs., X. He learned that her husband did not know of the debt, and she was afraid of his reaction. The BJA approached the husband and talked with him for many hours about the predicament of his wife. He convinced the husband not to react negatively, but rather to explore ways to solve the problem. Upon being sure that the couple was ready to talk about the problem, the BJA sat down with both to discuss ways of paying the debt.

Together they went to the lender, who was very happy to restructure the debt payment plan. Mrs. X was very happy with the intervention and is now paying the debt religiously.

The BJA gives credit to the training he got from the program, especially in the areas of counseling where you made the person feel secure and open, thereby making the resolution of the conflict a bit lighter and easier. According to the BJA, the art and skill of listening that he learned from the training stood him in good stead during the mediation process. The assurance of confidentiality also made the counseling process much easier to handle.

The experience of the one barangay with a significant Muslim population is particularly instructive. In this agricultural barangay with a slight Christian majority (58 %), the Barangay Captain is a Muslim Woman. She comes from one of the oldest families in the barangay, and has been captain for seven years. She enjoys the full support of the Council, Muslim and Christian alike. She is just now organizing her Barangay Development Council, in preparation for their participatory development planning process (pioneered by the USAID project GOLD, by GRF and the local CLGs).

The barangay was formerly a Muslim majority area, but their share of the population dramatically decreased during the 1970s Ilaga-Barracuda (religious war) when the Muslims were forced to evacuate. The barangay is still the seat of the Sultanate of Mandulog that includes

Iligan City. The barangay had been under the political control of the Moro National Liberation Front (MNLF), and a well-known former commander, also a former sultan, has dominated the landscape. The MNLF still exercises political influence in the region.

The City Mayor is also influential, and the barangay captain makes sure that the Mayor is kept informed of any major conflicts.

As a BJA, the Captain and six other BJAs are actively involved in conflict resolution. Since the barangay is multi-ethnic and multi-religion in character, conflicts are settled with a certain sensitivity based on who is involved. For example, if the litigants are both Muslims, the dispute is settled in accordance with Muslim and Maranao tradition. Here the mediator is the Sultan who uses genealogy as a powerful tool to resolve the conflict. Religious leaders are also consulted before arriving at a proposed settlement. There have been very few cases where the settlement failed, and where the litigants ended up in court.

However, the barangay captain also notes that this system is changing, as more Muslims are making use of the Lupon, combined with other respected members of the barangay council. This is a good alternative, according to the captain, as it is faster and puts more generalized pressure on the litigants to come to a settlement.

### **3. Attempted Murder that leads to “Rido” (clan war)**

The conflict stems from the non-payment of a debt (estafa) that became a “rido” (clan war). To finance his illegal logging operation, a certain G, a Muslim, borrowed Php 30,000 from A, also a Muslim. G promised to pay, but when the time came, did not. Thinking G had no intention of ever paying, A shot G. But G survived.

Relatives of G came after A and his relatives to avenge the crime. G’s family filed criminal charges against A, and an arrest warrant was issued for A, who was eventually imprisoned, but after posting bail he was free.

Sensing the urgency of the case, the barangay captain began to look for someone who could mediate in accordance with the Maranao tradition. The Sultan’s services were requested. He visited and talked to both families and explored the possibility of resolving the case to prevent the families from killing each other. After three months, a settlement was agreed to, involving the payment of blood money by A’s family to G and agreement to forget the debt. G’s family agreed to withdraw the charges of attempted murder.

Together with city officials a peace pact was celebrated between the two families and the settlement was made official. So far, the settlement has been respected, but the families avoid contact.

The BJAs were not the key players, but they did assist and facilitate the mediation by the Sultan. According to the BJAs, the diplomacy and the element of community intimidation were the main weapons of the Sultan in resolving the case.

There are several elements that link these rather different barangays together in their experience with the BJAs. First, the BJA is an active participant in the mediation, dispute resolution

process, sometimes the key player. Second, leadership counts in the process, whether it is from the barangay captain, a Sultan or a respected citizen. Third, flexibility is critical. Each situation demands different combinations of tradition, influence, community pressure, and good counseling and mediation skills. Fourth, the “law” doesn’t seem to have a lot to do with it, except as an overhanging threat that if settlement is not reached, the alternative is far worse.

Will the BJSS find the leadership and the approach necessary to make the process work, as one moves more deeply into Muslim majority areas?

We were puzzled that in contrast to the Iligan area, our field researcher was not able to find any barangay with recently trained BJAs to visit in the ARMM area. We asked him to meet with Muslim leaders from ARMM in Marawi City and to seek their views. Based on these discussions, he suggested that BJSS must proceed very carefully, otherwise it will fail. Why? His written response is presented with minor changes below.

## **6. WHY THE SYSTEM OF PHILIPPINE BARANGAY JUSTICE SYSTEM CANNOT (MAY NOT) BE SUCCESSFUL IN A MUSLIM COMMUNITY.<sup>5</sup>**

### ***a. The Concept of Territory and Governance***

The Philippine political and legal system is very clear about the division of political territories, as well as about the concept of co-equal powers of the three branches of government. This research has found that this is not true and does not apply in a Muslim community like Marawi City. The concept of territory is still very much influenced by the sultanate system that has ruled the life of the community, even before the Spanish era. The concept of a barangay was accepted, not because of its importance but because it is viewed as an imposition by the Philippine Law. Moreover, it is an easy source of money for barangay captains, since they are the only ones who can have control and power over their internal revenue share (IRS) from the regular internal revenue allotment.

In most cases, the IRS goes to the pocket of the barangay captain. There is no model of a functional barangay government where there is an existing Barangay Council, Lupong Tagapamayapa, barangay tanods and an organized barangay development council.

In this situation, the whole essence of a Philippine concept of barangay-based justice system will have difficulty finding meaning in a Muslim community. It is not because the Muslim Maranaws do not know how the system works on their advantage. It is simply rooted in the fact that the system is viewed as another imposition and therefore need not be considered as important or meaningful in their view. It is in this context that Dr. Macabankit Atip, the BJSS Project Coordinator and Dean Noni Lao of College of Public Administration are quite defensive in saying that the BJSS has not achieved significant impact in the pilot barangays, where the programs operate.

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<sup>5</sup> The words “may not” are added by the authors to indicate that the text does suggest that there is a way to make BJSS, in an altered form, work in Muslim areas. We agree with that, but also realize that the introduction of this process will have to be done with extreme sensitivity and flexibility in its application.

**b. The Concept of Settling Conflicts and Dispensing Justice in a Muslim Community**

According to Dr. Atip, Mayor Ali and some Maranaw key informants, there are three concepts that govern the culture of mediating and settling conflicts in a Muslim community. These are the traditional process, the Islamic influence and the Philippine Legal system.

The **traditional process** still dominates the manner of settling conflict and deals with *genealogy*, a process where the mediator traces the blood relationships and cites important events where ancestors of the conflicting parties have maintained good relationships with each other and therefore there was no reason to quarrel, as it would disturb the souls of the ancestors. The mediator was also the one who would offer a solution to the conflict, citing the traditional measures used by the leaders before.

The second one is the **Islamic influence**. The *Kor 'an*, the holy bible of the Muslims, serves as the guide of settling conflicts in the community. The establishment of the *Shariah Court* has captured the essence of mediating and dispensing justice under the Islamic laws.

The third one is the **Philippine legal system**. Not much can be written about it, since it is not really being given weight and attention in the eventuality of conflict in a barangay, unless the influence of a Mayor is very strong in the resolution of the case.

Based on the discussions, conflicts in the community are usually settled in the order of having the traditional process as the first step toward resolving the conflict, and then in asking for guidance from religious leaders -- if the mediator fails to bring the two parties into agreement. Very seldom will both parties go to the Philippine courts to resolve their issues. This situation was observed during fieldwork in the one barangay with a significant Muslim minority, in a conflict involving two Muslim families.

**c. Who are the Key Players in the Mediation Process?**

Through the years, there have been a lot of key players that emerged in the resolution of conflicts in the community. They are the *Sultans*, the *Imam*, the *Ustadz* and the informal leaders in the community with good social and economic standing. These informal leaders can be teachers, businessmen and former rebel leaders who have maintained their credibility as reasonable and just persons in the community.

The *Sultans* are the top and most acknowledged influential players in mediating and dispensing justice. The title connotes objectivity and impartiality. The person holding this title is trying to achieve peace and harmony in his territory. Surprisingly, the title of a *Sultan* has term limits. It is only good for four years; next in line is the *Kabugatan* or the *Vice Sultan* followed by the *Rajamuda*, *Paminjagan* and *Sankupan*. He is assumed to know and understand by heart the "*ijma taritib*" or the unwritten law in dispensing justice. Incidentally, the *Sultan* is also expected to bear the cost of the mediation process. This is the reason why the long-standing conflict of *Rido* (Clan War) still exists, because no *Sultan* would want to bear the very expensive cost of blood money that is needed to pay for a lot of lives lost along the process. However, as the one case illustrates, this cost may be shifted to the families, under certain circumstances.

The second top players are the *Imam* or religious leaders. They are usually asked about the appropriateness of the punishment or compromise in the context of the Islamic teachings based on the holy book of *Kor'an*.

The other players that are gaining respect in-terms of mediation are the educated class of the community and the informal leaders, such as former rebel leaders and businessmen.

***d. How can the Next BJSS Work in a Muslim Community?***

Without claiming full knowledge and authority of what could be an ideal justice system in a Muslim community, the researcher believes that, first the program must bring the concept of a barangay as a territory in a Muslim community. Second, the program's sensible approach should let the Muslims participate in the formulation of the program design, because they are the ones who know what works and what will not work for them in resolving conflicts and in bringing justice to their community. In this manner, the program becomes more relevant and effective.

For starters, it might be a wise process to dialogue with people in the academe, together with the same sultans, religious leaders and informal leaders who have credible experiences in mediation and in conflict resolution. The process of designing a program may be rendered worthy and reliable by coming from them. This will also strengthen the justice system that they are familiar and comfortable with and which they can call their own.

Such a process is very important because this will make them owners of the design and eventually in the implementation of the whole project. Hopefully, this process will also correct the repeated mistakes of the past of continued imposition. Looking forward, this one may succeed.

**7. SUMMARY OF FINDINGS**

***a. Impact of the KP at the National Level***

There is no strong evidence to demonstrate that increased use of alternative dispute resolution makes a significant difference in reducing the rate of increase of court cases. The positive correlation between the two suggests that both may be responding to other common factors. It is possible to make a case that increased KP use actually contributes to increased caseload in the courts, although this contribution is relatively minor at this time.

There is statistical support for the possibility that an increasingly active and effective system of dispute resolution at the local level may contribute to reduced crime and greater peace and harmony. The factors behind this may also be more complex, and may include an increased sense of social responsibility associated with engaging the community in dispute resolution.

***b. Value Added of the BJSS***

The addition of the BJSS training program does serve to further energize citizen utilization of the KP system. Responses given in the questionnaire as well as reports from focus groups indicate that trainees receive useful training which they apply to their new roles as BJAs. Also, trainees from the LP also report both training effectiveness as well as increased activism.

Qualitative evidence does exist to support what may be the strongest claim for the BJSS; that an active KP system provides access to an acceptable form of settlement for people who otherwise would not have the resources to bring their complaints to the formal court system. To the extent that the BJSS expands access to the KP system as well as to introducing an intermediary “first instance” source of dispute resolution by the BJAs, the project is adding value to the overall KP structure.

Caution needs to be exercised in making claims at the aggregate national level regarding court unclogging and cost savings. Other impacts and benefits are more compelling and should be emphasized. In any event, more detailed statistical and qualitative analysis should be done to unravel the long-term impacts and benefits of this innovative program.

*c. Institutional-Building of the Consortium and the CLGs*

Peace and harmony among neighbors form the building blocks toward community, regional and even national peace. As a strategy, mediation and reconciliation have proved to be effective for attaining these objectives. The stated BJSS Project’s vision and mission coincide perfectly with the institutional motivation of the GRF and its Mindanao-based partner CLGs.

The fairly simple, pragmatic and direct communications among member CLGS have facilitated immediate action and healthy interaction among CLGs in the Consortium. But already, new needs are emerging. The BJSS Project in Mindanao requires that it address the unique context of the area.

As acknowledged by the leaders of the Consortium, it is still at its early infancy stage as an organization and it has not really functioned as such. The current structure of the Consortium has not yet maximized the potentials of its Mindanao partners to engage in curriculum research and development, and in the enhancement of its training delivery.

Although GRF has exercised effective leadership of the Consortium — thus far it still lacks the adequate expertise to provide the contextual background for the BJSS Project implementation in Mindanao, because Mindanao is new territory for GRF. It is definitely distinct from the locale in which GRF has successfully operated in the past. The nature of conflict in many Mindanao communities requires intimate understanding and expert handling. And Mindanao can benefit from the successes of the GRF in other areas, but these need to be translated within the prevailing local context.

But Mindanao is unique as it is home to indigenous tribes, Muslim clans, and migrant Filipinos who must live together in peace in the midst of active Muslim secessionist and revolutionary movements, such as the Moro Islamic Liberation Front and the Communist Party of the Philippines-New People’s Army -- while a number of lawless bands roam the region engaged in kidnapping for ransom. The country’s poorest regions are located in Mindanao where poverty is at its extreme.

The GRF leadership needs to immerse itself in the social, economic and political milieu of Mindanao, in order to effectively fulfill expectations. In order to successfully implement the BJSS Project in Mindanao, the Consortium requires leadership that is responsive to the social, economic and political realities of Mindanao.

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### III. CONCLUSION AND RECOMMENDATIONS

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#### A. BACKGROUND CONCLUSIONS: THE KP AND NATIONAL COURT AND CRIME DATA

Advocates of alternative dispute resolution systems frequently assert that by resolving issues “extra judicially”, these systems help to reduce the case load backlog in the formal court system, a widespread problem in many judiciaries. The USAID SOW asks in Article III, part 2, question 9: “are the claims of court declogging accurate? It appeared to some that many of the cases that were resolved were unlikely to ever get to court?” Although the national trend data do not reflect the additional value or effect of the BJSS system, the team presents an analysis of these data in an effort to answer the question posed in the SOW.

1. **Citizen use of the KP system in the Philippines has increased steadily since 1991**, indicating the need for local dispute resolution processes in an increasingly complex and open society.
2. **The statistical relationship between the use of KP and the increase in court caseload is strongly positive.** Many factors may contribute to the increased use of both KP and the courts. If anything, the greater use of the KP may also contribute on net to increased case load in the JUDICIAL SYSTEM, ALTHOUGH THIS IS NOT VERY SIGNIFICANT AT THIS POINT.
3. **KP and BJSS claim peace and harmony at the barangay level as a desired goal of an effective dispute resolution system.** All Philippine data show a secular decline over 10 years in the Average Monthly Crime Rate. Crime rates in the ARMM areas are also declining, except for the most violent crime, murder. Overall, the ARMM crime rate is comparatively lower than in other parts of Philippines. Again, victims of armed conflict are the exception.
4. **There is a strong negative correlation between cases settled at the KP level and the volume of crime, mainly non-indexed low level crime.** This suggests that mediation and conciliation activities by the KP are having a positive effect, in combination with other factors.
5. **Analysis of aggregate data trends suggest that there is no “cost saving” in terms of judicial case load**, but there may be cost saving in terms of reduction in crime more generally, and in the promotion of more harmonious relationships at the village level.

#### B. SPECIFIC CONCLUSIONS

##### ORGANIZATIONAL EFFECTIVENESS OF THE BJSS PROJECT

1. **The Department of Interior and Local Government (DILG) and the Department of Justice (DOJ) have had little involvement in the implementation of the BJSS project**

- at** the local level. These are two national government agencies with direct mandates to promote good governance and justice at the local level.
2. **BJSS Training Curriculum and Materials are not sufficiently localized.** The Mindanao-based CLGs have expressed the need for adjustments in the curriculum materials supplied by GRF to make them more suitable to the Mindanao context.)
  3. **CLGS does not now have an effective training impact monitoring and evaluation methodology.** The current monitoring and evaluation tools are not geared to measure training effectiveness and impact.
  4. **The organization of the CLG Consortium is a positive step, with GRF in a clear leadership position.** More flexibility and localized input from CLGs in Mindanao is necessary to assure that BJSS training and support programs are properly tailored to local conditions.
  5. **The Consortium is still at its infancy stage and has not yet functioned as one organization.** It has functioned more as an assembly of CLGs with only the GRF exercising leadership and providing the direction for the group.

#### **TRAINING EFFECTIVENESS AND UTILIZATION**

1. **Introduction of the BJSS increases citizen participation and awareness of laws and legal rights.** The assessment found considerable evidence that it is the poor and marginalized groups in the society that make use of the local level dispute resolution processes. BJSS can build on this need.
2. As reported in questionnaire responses, and confirmed by focus groups and field studies, **the BJSS Training is considered by trainees to very effective and relevant** for the most part. Suggestions for improvement have to do with more applied work in mediation and counseling, and more follow up technical support.
3. **The most effective part of the training seems to be the training on listening, consulting, mediating and conciliating skills,** rather than formal knowledge of law.
4. **BJAs are volunteers who desire considerable support to keep them motivated and active,** including continuing training, motivational meetings, regional conferences, and, possibly, some form of monetary honorarium. There is some indication that some trainees have already dropped out of the program.
5. **BJSS trainees are actively involved in counseling, mediation and dispute resolution.** In some cases they are the only players, and barangay officials seem to be looking to them to resolve disputes, thereby reducing the number of formal complaints that the LT has to deal with. This very active role exceeds the “facilitating and advocating” model of the BJSS program to-date.

## **INTRODUCTION OF BJSS INTO MUSLIM AREAS**

- 1. The low level of participation of Muslim barangays is troubling**, and may reflect some resistance to the introduction of KP/BJSS into areas where the overall LGU structure is poorly developed or perceived as externally imposed.
- 2. Knowledge of how dispute resolution actually works in Muslim areas** (as opposed to theoretical or religious discussions) is sketchy and needs to be developed before any accelerated program of BJSS training is undertaken.
- 3. Muslim area dispute settlement assets currently exist but are sharply different than those found in Christian barangays.** These differences, including institutional roles such as the Sultans, and bodies of law such as Sharia, determine very unique forms of local mediation having little to do with the formalized KP system.
- 4. The BJSS model, if applied flexibly and with great consideration for the need to incorporate traditional and religious institutional leadership, may be made to work in Muslim areas.** However, the absence of a functioning modern barangay system may mean that BJAs working with traditional leadership will be more important than in barangays with a more evolved and legitimate barangay KP and LT structure.

## **SPECIFIC RECOMMENDATIONS**

Based on the results of the study, several recommendations are formulated to improve the implementation of a justice system at the barangay level.

### *Coordination and Role Clarification*

- 1. DILG.** The Department of Interior and Local Government, which is the national agency tasked with providing technical assistance to LGUs could take a more active involvement in strengthening the KP and should be in the frontline in training barangay officials and the LT on the KP. Prosecutors and other qualified resource persons from the DOJ may be tapped as resource persons.
- 2. Broaden Participation.** There is a need to enhance the participation of the LGUs, national government agencies, and the civil society in the BJSS Program. It appears that the BJSS – TWG have not been activated as envisioned by the Program.
- 3. Clarify and Reconcile BJSS and BJA Roles in KP.** In advocating for the BJSS program and the BJAs, its relationship to the existing KP must be clarified and differentiated. In this manner, communities will be able to adjust their expectations on the Program and on the KP. Also, they will be properly guided on how to go about bringing cases for resolutions and availing of judicial services available at the community level.

### ***Institutional Recommendations***

- 1. Deepen and strengthen leadership linkages with Mindanao.** In order to successfully implement the BJSS Project in Mindanao, the Consortium requires a leadership that is responsive to the social, economic and political realities of Mindanao.
- 2. Establish Mindanao BJSS Project Advisory Group.** This can help provide understanding of the concept of justice system in Muslim-dominated areas. This group can also provide advice on the right approach that the BJSS Project should assume in Muslim dominated areas.
- 3. Establish Mindanao-based secretariat.** The GRF, as a key player in the Consortium, should consider setting up a secretariat based in Mindanao. This can add to the credibility of the GRF as a key player of the Consortium in the region.
- 4. Prepare Manual of Procedures and Operations.** Now that the Consortium continues to grow -- it is now even more important to complete the manual and clarify the relationships among the CLGS, to define mechanisms for resource sharing, and to establish a more responsive table of organization.
- 5. Establish Mechanism for Resource Exchange.** The Consortium needs to develop a mechanism to facilitate exchange and the sharing of resources among the CLGS.
- 6. Establish Mindanao CLG Consortium.** The original Consortium is composed of CLGS nationwide. Now, with focus on Mindanao, it is necessary to consolidate the network in the area and to maximize the potentials that can be drawn from the local partners.
- 7. Integrate traditional Muslim conflict resolution processes and principles. BJSS Project** needs to weave the relevance of the traditional way of conflict resolution, together with Sharia, and the Philippine laws. The Mindanao CLG Consortium with GRF as a key mover could provide the focus and contextual inputs into the BJSS training curriculum and delivery.

### ***Training Effectiveness Recommendations***

- 1. Develop Mindanao-based BJSS Training Curriculum and Materials.** CLGS in Mindanao could pursue this as a group, since they share a lot of commonalities with their environment. All materials should be in local languages.
- 2. Expand Training in Mediation and Conflict Resolution for BJAs.** BJA trainees are the becoming the first line of dispute resolution in barangays where they are active and need/want further training in these methods.
- 3. Establish a system of Technical Support and Follow-up for Returned Trainees.** BJAs and others may “exit” the system unless given follow-up support and technical assistance for this difficult job.

- 4. Improve Design of Training Evaluation Systems.** The CLGS should consider improving their training evaluation system to measure the effectiveness, relevance, and usefulness of their programs. This instrument should also evaluate the faculty effectiveness, teaching style, depth of knowledge of the subject matter, and rapport with the participants. This should also evaluate the physical factors on how they affect the conduciveness of the learning environment.

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### TRAINING MODULES

1. Preliminaries
2. Opening Program
3. Brief Orientation on Katarungang Pambarangay
4. Scope of Katarungang Pambarangay
5. Structure and Functions of the Katarungang Pambarangay
6. Laboratory/Application of KP Procedures
7. Modes and Procedures of Settlement

8. Settlement or Award & Execution
9. Conflict Management
10. Mediation and Counseling Skills

## **STATISTICAL REPORTS**

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**APPENDIX 1**  
**SCOPE OF WORK**  
**ASSESSMENT OF THE CENTERS OF LOCAL**  
**GOVERNANCE IN SUSTAINING THE GOLD**  
**PROJECT GAINS, AND IMPLEMENTING**  
**THE BARANGAY JUSTICE SERVICE SYSTEM PROJECT**

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**I. BACKGROUND**

**A. BRIEF PROJECT DESCRIPTIONS**

The **Governance and Local Democracy (GOLD) Project** was introduced at a crucial point in Philippine history, supporting introduction of the most far-reaching decentralization law in the developing world. The landmark Local Government Code of 1991 capped many years of struggle in the quest for decentralization, transferring authority, power, and resources from the central to the local level. However, even with this enabling legislation, when GOLD was designed, local government units (LGUs) generally lacked technical and institutional capabilities needed to manage effectively the resources and responsibilities devolved to them. Hence, GOLD was implemented in early 1995 up to early 2001 to support LGUs in implementing the Code. The project started in 1995 working with seven provinces and one city. This increased to nine provinces and two cities in 1997. By the end of 2000, the project covered forty-six provinces and twenty-two cities.

GOLD has a “demand-driven” operating mode aimed at fostering “assisted self-reliance” philosophy. Major implementing partners include: a) Associates in Rural Development (ARD), Inc.; b) Philippine Business for Social Progress (PBSP); c) Philippine Partnership for the Development of Human Resources in Rural Areas (PhilDHRRA); d) Caucus of Development NGO Networks (CODE-NGO); e) Evelio B. Javier Foundation (EBJF); and f) the local government Leagues, notably the Leagues of Provinces, Cities and Municipalities. Activities under the project, emphasizing improved LGU performance and popular participation in public affairs, are thought of by many observers to be a state-of-the-art in promoting democratic local governance.

The GOLD Project’s core activities focused on the following performance objectives:

1. ***Strengthened Participatory Mechanisms:*** Project resources were focused on strengthening community-based participation mechanisms, thus providing citizens the means for active involvement in local governance. Strengthening participation was a cross-cutting strategy, infused in all project activities, such as community planning, developing and prioritizing investment plans, designing revenue enhancement strategies, and all other activities as appropriate.

2. **Enhanced Local Government Performance:** Technical assistance and training were provided in three critical actions areas identified during project design: resource mobilization and management, development investment prioritization and promotion, and environmental planning and management. In addition, the project staff supported the LGUs in working on other management challenges, on a demand-driven basis.
  - a. Support for **resource mobilization and management** includes: 1) the real property tax system (RPTS), 2) financial management information systems, 3) general revenue generation initiatives, and d) human resource mobilization and management for service delivery improvement.
  - b. In the **investment** area, support was provided to: identify investment opportunities, then set development priorities through participatory planning, then analyzed the costs and benefits of particular investments, then proceeded to implementation of investment strategies.
  - c. For the **environmental planning and management**, LGUs and communities were assisted in: better understanding their environmental situation; developing and prioritizing options; and undertaking community-wide implementation. Work has focused on: coastal resource management, forest management, solid waste management, and land use planning. Advisory services focused on technical issue, long-term sustainability in relation to identified economic development priorities, and effective participatory planning.
3. **Institutionalized Communication and Feedback System:** This activity has focused on:
  - a. Technical assistance to partner LGUs for planning, designing, and implementing communication systems to support their programs.
  - b. Production and publication of policy-oriented Occasional Papers on a range of local governance issues—local finance, police supervision, personnel management, health services, improving LGU-NGO relations, inter-LGU cooperation, etc. Over 20,000 copies of dozens of papers have been distributed to decision-makers in local and national government, the private sector, and the donor community.
  - c. A consultant database was also maintained for easy access to a pool of consultants with a range of expertise relevant to local governance. It contained information on 1,600 individual consultants and more than 60 consulting institutions with expertise in 577 areas. Two-thirds of the consultants live outside Metro-Manila.
4. **Policy and Performance Management Support:** Project staff monitored decentralization at GOLD sites through collection of qualitative and quantitative data for annual performance indicators, and identify emerging policy issues for LGUs in general through a regular Rapid Field Appraisals of Decentralization. Other policy work has included support to the local government Leagues in the review of the Local Government Code.

5. ***Support for the Leagues of Local Governments:*** Advisory services were provided, on a demand-driven basis, to professionalize league secretariats; improve the ability of the leagues to provide services – training, newsletter to members; help build skills to make their research and advocacy more effective; and improve their ability to share information on “good practices” and “breakthroughs” to members.

The **Barangay Justice Service System (BJSS) Project**, on the other hand, aims to improve access to justice services for the disadvantaged, particularly women and children. It seeks to eliminate the common blocks to the attainment of justice — ignorance and intimidation. Innovating on the current delivery of justice, the BJSS adds a private component, a trained volunteer who links members of the community to the judicial and extra-judicial systems of dispute resolution. The project is being implemented by the Gerry Roxas Foundation in partnership with the Consortium of Centers of Local Governance.

The project focuses on the effectiveness of the “Katarungang Pambarangay or KP ” (justice system at the community/grassroots level) to prevent indiscriminate filing of cases in the courts which congest court dockets and increase government expenses. One of the greatest impediments to the speedy dispensation of justice in the Philippines is the serious backlog of court cases. In 1995, a study conducted by the Makati Business Club revealed that it took an average of four years for a case to be decided. Six year ago, the backlog of court cases was a little more than half a million. The backlog grew to a million cases by the year 2000.

The BJSS Project carried out three overlapping phases over more than three years. It is now in its fourth phase for expanded national replication. Phase I mobilized civil society and local government support at the barangay, municipal and provincial levels. It advocated on the issue of family violence and the need for a speedy and effective administration of justice. Phase II focused on developing participatory activity implementation and evaluation, from which innovative strategies to improve barangay justice were implemented in pilot barangays. In Phase III, BJSS models were developed and used in nationwide replication. The Phase IV activity is capitalizing on BJSS’s network of partners in national and local governments, civil society, academe and the private sector to bring together and extraordinary set of key actors with complementary experiences, skills and linkages.

## **B. SUMMARY OF MAJOR PROJECT IMPACTS**

The findings and impacts of the **GOLD Project** can be summarized as follows:

1. To greatly increase the chances of sustained improvements through local ownership of a change management process, the project: a) utilized demand-driven and participatory processes and implementation strategies that laid out clear requirements and expected benefits that enables LGUs to choose whether to take part or not, b) employed cross-sectoral approach that allows LGUs to prioritize the specific problem areas that will be addressed by the project, and c) valued the roles and contributions of partner’s leadership and staff.
2. To enhance participation of civil society and business community, the project focused its technical assistance on improving decision making processes and use a structured dialogue that: a) emphasized team approaches to problem prioritization and solution; b)

- facilitated action on immediately doable small successes, not detailed plans or analyses; c) created versatility in the use of methods so that partners recognize that tools can be used to generate solutions in a wide variety of problem areas; d) support a diversity of solutions so that methods are clearly adapted to local conditions; e) celebrated small successes to deepen willingness of partners to take on increasingly difficult tasks.
3. To facilitate replication and ensure sustainability of overall approach, the project: a) built alliances with a variety of institutional partners; b) supported the strengthening of coalitions of government, business and civil society partners focused on thematic areas; c) engaged national government to design policies and support systems consistent with lessons from the field by improving the ability of local governments to explain their issues and documents their successes; d) structured technical assistance so that tools can eventually be employed by institutional partners without project assistance; e) generated donor synergy; and selected, oriented and trained consultants in participatory processes.

The **BJSS Project** has not yet been evaluated both in terms of process and impact. Anecdotal studies were, however, undertaken indicating an effective, speedy, inexpensive and accessible means of dispute resolution particularly among the poor. In 1999, a study on the BJSS experience was undertaken for the World Bank-supported Judicial Reform Program of the Philippine Supreme Court. The study found that in the area studied, about 95% of the cases filed with the barangay justice system were successfully mediated. This performance is significantly higher than the rest of the country, where only 65% of such cases were successfully mediated.

#### **4. *Prospects for Long-term Sustainability of Impacts***

To ensure sustainability after the **GOLD Project** phases out, various mechanisms were formulated and established.

Firstly, the Centers of Local Governance (CLGs) were supported to develop their capacities in providing technical assistance and capability-building services to LGUs after the project support ended, utilizing the tools and approaches development by the project in the pursuit of the aforementioned performance objectives. The CLGs have banded together into a consortium whose vision is to become a globally recognized network of local governance and participation specialists providing customer-driven services for good local governance. The CLGs include: a) Ateneo de Naga University (Naga City), b) Ateneo de Davao University (Davao City), c) Bulacan State University (Malolos, Bulacan), d) Cebu City Resource Management and Development Center (Cebu City), e) Divine Word College (Tagbilaran City, Bohol), f) Gerry Roxas Foundation (Roxas City, Capiz), g) Mindanao State University (Marawi City), and h) Mindanao State University-Iligan Institute of Technology Southern Philippines Research and Extension Foundation (Iligan City).

Secondly, several of the national government agencies become strong advocates of the GOLD process and approach. This was particularly apparent with the Civil Service Commission (related to the customer-focused Public Service Excellence Program) and the National Economic and Development Authority (related to participatory approach to investment project development). Additionally, the Bureau of Local Government Finance began to utilize the Real Property Tax System, the National Computer Center assisted in the dissemination of the Information System Planning tool, and the League of Barangays, the Local Government

Academy and several Regional Development Councils supported the spread of the local planning and management tools.

Finally, almost every one of the technical programs in the GOLD Project created a private sector consulting firm offshoot. This outcome adds weight to the assertion that the project staff were involved in the process not just because they were paid consultants, but because they may have seen it as a fundamentally positive step in support of local development. It also support the argument that the LGUs themselves saw lasting value in the support they received from GOLD and, thus, the project staff felt there would remain a substantial market for their technical services.

For the sustainability of the gains of the **BJSS Project**, an Executive Order for a KP National Coordinating Council was initiated by GRF to integrate inter-agency efforts on the improvements of the KP. Among the Council's functions are the formulation and implementation of policies and guidelines and mobilization of resources for research, training, monitoring and evaluation of the improvement of the KP. Co-chaired by the Departments of Interior and Local Government (DILG) and Justice (DOJ), the Council's members include the Philippine Judicial Academy of the Supreme Court, the Integrated Bar of the Philippines, the Liga ng mga Barangays, the Consortium of the Centers of Local Governance, law schools and other concerned groups.

## **II. SCOPE AND OBJECTIVES OF THE ASSESSMENT**

The assessment will focus on the study of the operations of the various CLGs with emphasis on its impact as a sustainable mechanism to promote the experiences gained under the GOLD Project and in implementing the BJSS Project.

The primary objectives of the assessment include:

1. To determine the overall effectiveness of the CLGs in sustaining the gains of the GOLD Project and implementing the BJSS Project.
2. To evaluate the impact of the BJSS project and achievement of its goals and objectives.
3. To determine how effectively the CLGs are training individuals for the BJSS.
4. To recommend a plan of action for the CLGs and the Consortium in maintaining or improving their operations.

## **III. STATEMENT OF WORK**

This assessment shall be both diagnostic and prognostic. The diagnostic portion shall establish the the CLGs' accomplishments and performance at the time of the assessment, its key impacts, implementation issues encountered, and actions taken to address these issues (were these issues completely addressed or do the issues continue to persist and what lessons have been learned?). For the BJSS Project, it is emphasized that the assessment shall cover both process and impact

evaluation. The assessment shall be also look into the CLG's organizational structure, management, operations, systems and procedures, advocacy, and monitoring and evaluation. The prognostic portion shall consolidate the lessons learned and suggest possible direction or action plan to enhance its performance in providing services to LGUs and other institutions, particularly on various tools developed under the GOLD and BJSS Projects.

In order to respond to the assessment objectives, some topical areas and issues are suggested, particularly:

***1. Establishing quantitative and qualitative accomplishments***

In assessing the CLGs' accomplishments, the team shall collect quantitative and qualitative information to have a better understanding of the dynamics of their operations and implementation. Among others, the following questions may be used as guides:

- ▶ What has happened?
- ▶ Where it happened?
- ▶ How much has happened?
- ▶ Who did the work?
- ▶ How much interest and commitments?
- ▶ How much was the LGU's contribution?
- ▶ What important changes have occurred?
- ▶ How were the changes perceived?

***2. Identifying programmatic issues and their effects***

- ▶ What issues were encountered?
- ▶ How did they come up?
- ▶ Where were they encountered?
- ▶ How were they addressed?
- ▶ Do they still persist?
- ▶ Issues raised by other donors concerning BJSS: While the program is basically attractive, there are issues that should be investigated. Specifically:
  - 1) The roles and responsibilities of the Department of Justice and the Department of Interior and Local Government are not well established. The system may work fine while the Gerry Roxas Foundation is available to assist, but what happens when donor funding stops?
  - 2) The government agencies lack adequate or earmarked budget allocations for them to carry out their responsibilities.
  - 3) The activity has excessive faith in training in itself even though there is no systematic evaluation of training and follow-up to training.
  - 4) Will training take place in local dialects?
  - 5) How does the program interface with tribal and Islamic laws?

- 6) There may be some concern that role confusion was being created between barangay officials in the justice system and advocates. (Some local officials claim that the barangay justice advocates were getting into “pre-mediation” work which was starting to encroach on the role of barangay officials).
- 7) Is the type of instruction effective? Or are these academic institutions need for more “adult education” approaches. (That is, is there too much lecturing going on?)
- 8) Does the barangay justice function well in more urbanized areas?
- 9) Are the claims of court declogging accurate? It appeared to some that many of the cases that were resolved were unlikely to ever get to court.

### **3. *Establishing lessons learned and project impacts***

- ▶ What collective understanding have occurred or emerged regarding CLGs provision of services and implementation of development activities, including BJSS, with the LGUs?
- ▶ What are the specific impacts of the GOLD and BJSS (e.g. impact on decongesting court dockets, associated cost savings, and benefits by the disadvantaged groups) projects?
- ▶ What works and what do not work?
- ▶ What had the CLGs learned in providing services to LGUs and other organizations?

### **4. *Identifying future directions***

- ▶ What important activities or key areas are needed to be addressed immediately to enhance the CLGs service delivery and implementation of the BJSS Project?
- ▶ What important activities or key areas are not covered by the CLGs current efforts but needed to enhance their service delivery and implementation capability?
- ▶ How could the CLGs programs be made more attractive to LGUs and other organizations?

### **5. *Organizational structure and management***

- ▶ Are the organizational structures of the various CLGs and the Consortium responsive in meeting the needs of the LGUs and the community?
- ▶ What are the strengths and weaknesses of these structures?
- ▶ Were there problems with the management arrangements? How were they resolved?
- ▶ How can the CLGs management be improved to strengthen service delivery and implementation capability to LGUs?

### **6. *Systems, processes, procedures and strategies***

- ▶ What are the systems, processes, procedures and strategies being used by the CLGs? Did they provide the expected changes or results?
- ▶ Are there other options, which should have been explored and implemented to promote better performance?

**7. Financial sustainability**

- ▶ How are the CLGs services and assistance priced and compared with other service providers?
- ▶ What are the prospects of the CLGs financial sustainability?

**8. Monitoring and evaluation**

- ▶ Is there a feedback mechanism to determine the effectiveness of the CLG's services?
- ▶ What are the ways to improve their monitoring and evaluation systems to capture project impacts?

**IV. DELIVERABLES**

1. A Work Plan for the Assessment, including detailed assessment design, interview schedule/questionnaires, and time frame. The design shall specify both the qualitative and quantitative impacts to be measured, such as decrease in cases filed at the courts in the case of BJSS;
2. Six (6) copies of the draft report highlighting the major findings, recommendations and proposed action plan; and should be submitted to the Mission two working days before the scheduled debriefing; and
3. Six (6) copies and an electronic version of the final report, which should be submitted not more than 10 working days after the departure of the Team Leader. The final report should contain an Executive Summary (three pages, single-spaced) and the body of the report not to exceed 40 pages, excluding the attachments.

**V. TEAM COMPOSITION AND QUALIFICATIONS**

1. **Democracy and Governance Specialist/Analyst and Team Leader** (Expatriate – One) – The individual must be a senior level professional with at least a Masters Degree in any of the Social Sciences, including specific training in social research methods and design. Among others, he/she must have at least 10 years experience designing, implementing or evaluating programs in the fields of local government, civil society, rule of law, and judicial improvement in developing countries. Preferably, the individual must have served as team leader of previous evaluation/assessment study and must be familiar with USAID's Evaluation Reporting requirements. Should preferably have work experience in the Philippines or in Southeast Asia, particularly in the area of decentralization and judicial reforms and improvement. The Team Leader shall provide overall direction and coordinate/harmonize the tasks of individual members.
2. **Institutional Specialist/Analyst** (Local – One) – The individual must be a senior level professional with at least a Masters Degree and academic training in a social science or management field with emphasis on social and economic research methods, including quantitative measurement of an organization's performance. Should have at least 8 years of extensive practical experience analyzing developing country institutions and developing measures to improve their performance. Preferably, the nominee must have

participated in previous assessment/evaluation jobs of projects assisted by donors, such as USAID. Preference will be given to the individual who had previous work experience related to the Philippine decentralization program and familiarity with the 1991 Local Government Code and the GOLD Project. This individual will be primarily responsible for the CLG assessment related to the GOLD Project.

3. ***Management Specialist/Analyst*** (Local – One) – The identified individual must be a senior level professional with at least a Masters Degree or a Lawyer with training in management, rule of law, judicial system, or social sciences with specific training in analyzing service organization and delivery, and program and project management. Should have at least 8 years of extensive experience related to rule of law and judicial system. Should have experience in conducting operations research or evaluation/assessment of development projects assisted by donors, such as USAID. Preference will be given to the individual who has familiarity with the Philippines judicial and barangay justice systems, and other Southeast Asian local government operations and judicial systems. This individual shall be primarily responsible for the CLG assessment related to the BJSS Project.

## **VI. SCHEDULE OF ACTIVITIES**

The assessment is planned for five (5) weeks, covering the following activities:

1. Discussion with USAID, develop work plan and detailed assessment design and interview schedule/questionnaires, interview Metro Manila respondents (Week 1)
2. Data collection and interview with respondents outside Metro Manila (Weeks 2-3)
3. Report writing, presentation of findings, and integration of comments (Week 4)

The Assessment Team shall be under the overall direction of the Governance Officer of the Office of Economic Development and Governance, with support from the Project Manager of the GOLD and BJSS Projects.

## **VII. REFERENCES**

As background materials, the following materials will be made available to the assessment team:

1. GOLD Project Paper
2. GOLD CD
3. Conference Proceedings: “Beyond GOLD: Philippine Local Governance in the 21<sup>st</sup> Century”, January 2001.
4. ARD Final Report, March 2001.
5. BJSS Project Design and related documents.

# **NEW WORK PLAN FOR ASSESSMENT OF THE CENTERS OF LOCAL GOVERNANCE IN SUSTAINING THE GOLD PROJECT GAINS, AND IMPLEMENTING THE BARANGAY JUSTICE SERVICE SYSTEM PROJECT**

DEVELOPMENT ASSOCIATES, INC.

Submitted to USAID  
October 21, 2002

## **I. INTRODUCTION**

This Revised Work Plan constitutes the First Deliverable under the USAID SOW for this Assessment, facsimile copy dated June 04, 2002.

## **II. BACKGROUND**

USAID has asked the BJSS Assessment Team to focus its inquiry exclusively on the institutional capacity and effectiveness of Mindanao based CLGs offering training to Barangay Lupong and BJA volunteers who are charged with activating and promoting the Barangay Justice Support System. USAID is well advanced in implementing Phase V of program developed by the Gerry Roxas Foundation, using principles and experience gained from the earlier GOLD/BJSS project.

The BJSS was formally set up by the Philippine Government during the Marcos administration. It was designed to build on the informal Philippine tradition of dispute settlement at the Barangay level. The system's use may have waned during the period of turmoil following the overthrow of Marcos, but its value was recognized by the new regime and incorporated into law under the Decentralization Law of 1991. The decentralization effort has been broadly supported by USAID over the 1990s, most recently with the GOLD project, which introduced a participatory planning process and greater accountability mechanisms at the barangay, municipal and provincial level of Philippine governance. Spearheaded by the active leadership of the Gerry Roxas Foundation, USAID began to incorporate support for strengthening the BJSS as part of the more general decentralization effort.

The BJSS is basically a locally based set of procedures for mediating, conciliating, and arbitrating disputes, conflicts, and even petty crimes occurring at the barangay level. It also serves as a kind "local magistrate" process by which cases that cannot be resolved through these means are "certified" to the municipal courts (the Philippine court of first instance) for formal legal action. The BJSS process is implemented by the Barangay Captain, who follows a set of procedures for dispute resolution using the services of local respected citizens. The BJSS is considered a quasi-legal process. Binding decisions are not made, but the parameters of BJSS authority are legally established, and the Katarungang Pambarangay can assign sanctions under certain conditions. Summons can be issued and issues that cannot be resolved are certified to the

court system for further action. In practice, the BJSS relies on both parties agreeing to mediation, conciliation or arbitration. It is a process designed to promote peace and harmony in the community, rather than a means for dispensing formal “justice.” However, it does offer an alternative means for persons to gain a hearing, and perhaps find an “acceptable dispute resolution” without the expense, time, energy and patience needed to pursue a case in the court system. It opens up a level of access to a quasi-judicial system for poor, disadvantaged and isolated Filipinos that would otherwise not go to the formal judicial system. This system is heavily backlogged, poorly staffed (25 percent of the judge positions in municipalities remain unfilled), and not well regarded by many citizens.

The proponents of the BJSS also suggest that expansion of the BJSS system will substantially reduce the number of new cases being introduced into the Philippine judicial system, and thereby reducing the backlog and clearance time needed for processing judicial cases. This claim is subject to empirical analysis as noted below.

Philippine longitudinal data on the use of the BJSS over the 1991 – 2002 period show that use of the system has increased over 6 times during this period. While some of this recorded increase may be a product of better documentation, experts agree that much of the data reflects a real increase in use of the BJSS at the Barangay level.

Pilot projects developed by Gerry Roxas Foundation and others, have helped to demonstrate the utility of the BJSS system, as well as exposing some of the weaknesses. These are well documented in the Master’s Thesis written by Silvia Sanz-Ramos Rojo, and will not be elaborated here<sup>6</sup>. The main problem driving the current USAID funded project are two fold, lack of legal understanding and mediation/conciliation skills appropriate for successful dispute resolution on the one hand, and weak knowledge and understanding among barangay citizens of the role and potential benefit of the BJSS for dispute resolution on the other. GRF, in collaboration with three GLCs in Mindanao, Ateneo de Davao, MSU Marawari City, and MSU Iligan, have developed a training program for both Lupong Members and a new feature for the BJSS, the Barangay Justice Advocate (BJA). This program has been refined over several phases, both within Mindanao and in other regions.

USAID has recognized the growing interest in the BJSS as an important component of the larger local governance development strategy by backing the development of the CLG BJSS support program since 1999. Against the background of partial peace between the RoP and various Mindanao/Muslim separatists groups culminating in the establishment of the Autonomous Region of Muslim Mindanao, (ARMM), USAID has committed to a Phase V of the program which, for USAID, will focus exclusively on the 5 ARMM provinces. It has also worked with Roxas to organize a broad coalition of government, foreign donor and local NGOs active in supporting the BJSS as a means for providing a more coherent and consistent level of support to the local institutions. The MOU for this coalition will be signed in Manila on October 21, 2002.

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<sup>6</sup> Silvia Sanz-Ramos Rojo, **The Barangay Justice System in the Philippines: Is It an Effective Alternative to Improve Access to Justice for Disadvantaged People?** MA Thesis, IDS, University of Sussex, September 2002

### **III. THE ASSESSMENT**

#### **ORIGINAL SOW**

The original SOW called for a broad and comprehensive assessment of the gains from the GOLD project and BJSS as a subcomponent, with emphasis on issues of sustainability, lessons learned, capacity building, and the like. The SOW directed the team to a Philippine wide effort, using a standard approach of interviews with key players, documentation review, visits and more structured interviews with local level officials and citizens, all focused on a very broad range of issues. This SOW was developed earlier in 2002, and released to Development Associates June 4, 2002. It was the basis for the Development Associates (DA) proposal and budget. DA identified Prof. Emmanuel Leyco, Center for Legislative Development as its Philippine partner, and Dr. Richard Blue as the Expatriate Team Leader. The work began October 1, 2002. Dr. Blue arrived in Manila October 9. Blue corresponded with CLD in developing a work plan and methodology for undertaking the assessment prior to his arrival. Dr. Leyco submitted a workplan to USAID October 4, 2002.

#### **REFOCUSING THE SOW**

A meeting was held between Prof. Emmanuel Leyco and the Philippine team and USAID to discuss the Work Plan. At that meeting, and in a subsequent meeting with Dr. Blue on October 10, USAID advised CLD that it wished to more clearly specify the focus of the assessment as follows:

1. Concentrate on those CLGs and GRF offering training to BJSS Barangays and BJAs in Mindanao, with particular reference to ARMM and other Muslim areas.
2. Concentrate on issues of institutional capacity, training effectiveness, and impact with respect to the Mindanao CLGs.
3. The scope of the assessment focus is clarified to Points 1 and 2 above.
4. USAID felt that it had all the information it needed re Manila based officialdom in MOJ, DILG as well as other donors including TAF, ADB and others. USAID did encourage the Team to visit with Canadian CIDA.
5. USAID's expectation for this more focused effort was that the questions set out in Article III Statement of Work of the SOW remained applicable, but that the report would focus primarily on assessing the organization, effectiveness, relevance and impact of the GRF/CLG implemented BJSS training program. USAID was especially interested in any findings and conclusions that would substantiate recommendations for improving the program's management, training strategy, or other features of the effort to strengthen the functioning of the BJSS, especially in the ARMM areas of Mindanao.

#### **REVISED WORK PLAN**

The Team believes that it can deliver a credible and useful report to USAID that meets the above guidelines if it is permitted to organize four sets of data relevant to the issues raised by USAID.

1. Aggregate data on growth of BJSS usage in relation to an aggregate measure of "peace" and an aggregate measure of "judicial system backlog/savings". These measures have

been used in part by GRF and others to justify and promote the BJSS. Some additional data collection at the municipality level would be very useful.

2. Institutional Assessment data, largely qualitative, will be gathered by structured interviews with CLG leaders/trainers. This will address capacity, program implementation, sustainability, monitoring and evaluation, and cost effectiveness questions raised in the original scope of work.
3. Structured Survey Questionnaire data from 150 BJSS/BJAs who have received CLG training. This will answer questions about training effectiveness, utility and behavioral impact on functioning of BJSS/BJA operatives in Mindanao areas that have received CLG training.
4. ARMM Barangay contextual data from field research conducted by additional member of CLD team working in the area and directly experienced with BJSS. This will be the only source for understanding any ARMM specific contextual issues affecting BJSS performance, such as application of Sharia law, and therefore, BJSS/BJA training.

The USAID refocusing of the assessment to collect the data necessary for a useful Report could be easily accommodated by a reorientation of the team's work plan, but for two major constraints:

1. The focus on Mindanao effectively precludes Dr. Blue from participation in much of the data gathering effort. US Embassy Public Announcement for the Philippines, dated August 20, 2002, says: "US citizens are warned to avoid travel to the central, southern and western areas of Mindanao...". This warning was reinforced by a telcon with the Embassy ASR Bill Gannon on October 16, 2002. He expressly included Davao City, Iligan and Marwari City, indeed all of Mindanao as posing too high a risk for American travel. CLD Philippine members of the team are willing to go to Davao City, but not to Marwari or Iligan.
2. The agreed alternative to visiting these areas is to bring BJSS and BJA persons that have received training to a relatively secure location, namely Davao City for meetings in November. This will require budget modifications.

The team proposes the following workplan.

October 1 – November 30, 2002

1. Extend the life of the contract until December 15, 2002. This will permit completion of data analysis and write up after data is collected from field sources through Nov. 4. This allows sufficient time for USAID review and preparation of the final draft.
2. Oct. 1 – Oct. 24. Complete secondary documentation and aggregate data analysis of relationship between BJSS activity and measures of Court performance and measures of police reported dispute incidence at the national level as well as for selected Mindanao municipalities (the lowest level of official record keeping.) Complete first outline of report and write draft background sections. Develop and refine all data collection instruments, including the BJSS/BJA questionnaire, Institutional Assessment guidance,

- ARMM barangay case study guidance. Organize data collection efforts in collaboration with Mindanao based CLGs.
3. October 21-22. Interview CLG and GRF officials who will be in Manila for signing of MOU. This will contribute to institutional capacity assessment. The following additional data collection efforts will be conducted by CLD under Prof. Leyco's guidance, using data collection strategy and instruments developed by Leyco and Blue during the previous 10 days.
  4. October 25 to Dec 15. Dr. Blue returns to the US. He will remain in close contact with the CLD team and will continue analytical work on secondary data and documents collected while in Manila. He will also compile the final report in close collaboration with the CLD team as additional data is received from Surveys and field studies.
  5. October 21 – 29. Conduct qualitative research at ARMM barangay level using services of an individual identified by CLD as living in the area and who has both appropriate training and familiarity with the BJSS in the ARMM barangays. This would produce an indepth qualitative analysis of the barangay context for BJSS functioning, as well as a series of small cases studies on relevant local context and conditions. The Team believes that this kind of on the ground information is essential to the purposes of the report.
  6. October 26 – Nov.10. Hold one meeting in Davao City Ateneo de Davao CLG. The dates for these meetings are being negotiated, most likely Nov. 9 - 10. Invited to them would be a total of 150 BJSS/BJA trainees from Davao, Marwari and Iligan regions. A Training Effectiveness and Utilization Questionnaire has been prepared that will be administered to this group. In addition, focus groups and workshops will be held to further elicit qualitative information about problems, positive experience, and suggestions improvement of the training and support programs. The questionnaire data will be expeditiously coded and analyzed, initially for descriptive statistics, and later for correlational analysis. The focus group and workshop information will be synthesized and summarized as part of the report dealing with training effectiveness as well as recommendations for improvement. These meetings will also be the opportunity for Dr. Leyco and team to gather additional institutional capacity and performance data from CLGs.
  7. Nov. 10 – 16 Team will prepare rough draft of report with Dr. Blue taking the lead from the US, working electronically with Dr. Leyco and team. A working draft will be shared with USAID no later than November 20.
  8. Nov. 20 – 30. USAID review and comment on working draft of BJSS Report.
  9. Nov. 30 – Dec.15. Dr. Blue responds to USAID comments and suggestions and, with review by Dr. Leyco, completes Final Report and submits to Development Associates for submission to USAID.

**OVERCOMING CONSTRAINTS: ACTIONS REQUESTED**

1. USAID concurs in the revised workplan above.
2. USAID agrees to a no cost time extension to 12/31/02.
3. USAID agrees to modify the budget as per the attached.
4. USAID concurs in an increase to the CLD budget, as noted in the budget.
5. USAID has no objection to Dr. Blue's early departure and reduced engagement in the field data collection effort. Blue will continue to take the lead in overall assessment guidance and in preparation of data analysis and the final Report to USAID.

USAID CTO concurrence \_\_\_\_\_  
Napoleon de Sagun Date

USAID CO concurrence \_\_\_\_\_

Attachments: (1) Revised SOW  
(2) Revised Budget

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## APPENDIX 2

### BJSS ASSESSMENT TEAM

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**Dr. Richard Blue, Democracy and Governance Specialist/Analyst, Team Leader**

A political scientist with ten years of teaching and research experience at the University of Minnesota. Has 15 years of evaluation and program management experience with USAID, 6 years experience as Asia Foundation Representative for Thailand, Laos, Cambodia and Vietnam, and more recently 6 years experience conducting program evaluations and strategic assessments for USAID in Russia, the former Soviet Union, and in Southeast Asia.

**Prof. Emmanuel A. Leyco, Institutional Specialist/Analyst, Associate Professor at the Asian Institute of Management for the last ten years and past Director of Development Executive Programs**

- ▶ Director of Health Management Programs
- ▶ Expertise in public finance and health policy
- ▶ Experience in development policy analysis and research, program monitoring and evaluation
- ▶ Professional consulting experience in the US, Philippines, Vietnam, Indonesia, Bhutan and Malaysia in the fields of policy analysis, program management, monitoring and evaluation.
- ▶ Holds MA in Organizational Psychology from the Columbia University
- ▶ MPA, Public Policy and Public Finance Areas of Concentration, Kennedy School of Government, Harvard University

**Atty. Agnes Devanadera, Management Specialist/Analyst**

- ▶ Practicing lawyer
- ▶ Partner, Libarios, Devanadera, Jalandoni & Dimayuga Law Offices
- ▶ Chairman of the Board and President, Philippine Development Alternatives Foundation, Inc. (PDAF)
- ▶ Senior Technical Adviser, Local Government Academy
- ▶ Lecturer, Ateneo de Manila University
- ▶ Three-term municipal mayor
- ▶ National President, League of Municipalities of the Philippines, 1995-1998

**Fidel Bautista, Operations Research Analyst**

- ▶ Technical Services Officer, Friendly Care Foundation, Inc.
- ▶ Senior Project Development Officer, Integrated Community Health Services Project
- ▶ Technical Officer, Department of Health Local Government Assistance and Monitoring Service

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## APPENDIX 3

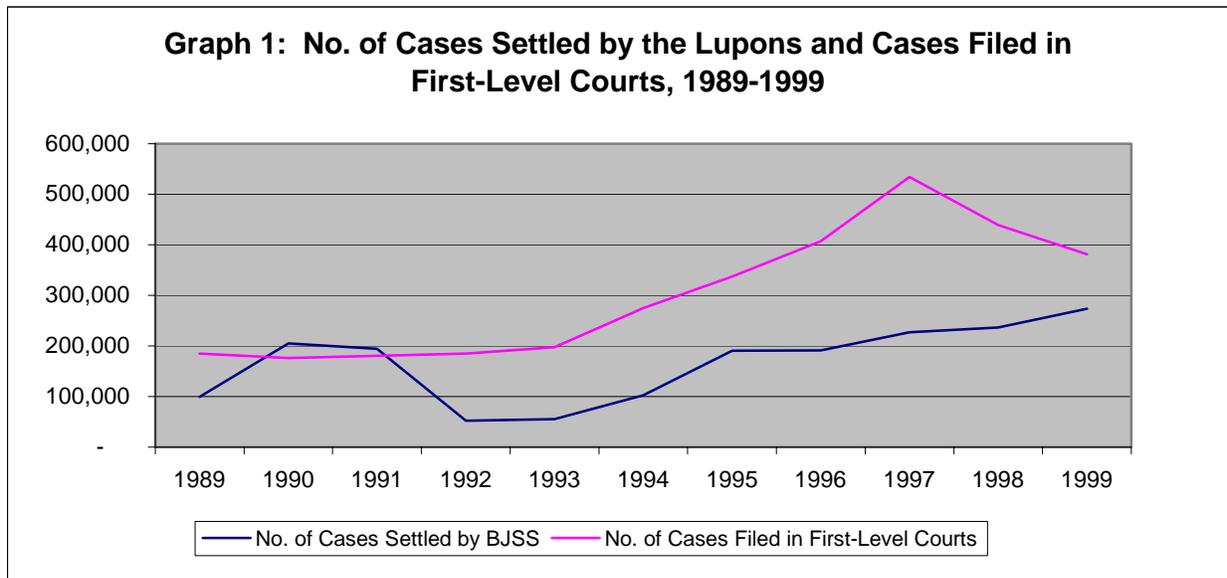
### ANALYSIS OF NATIONAL LEVEL STATISTICS ON KP AND COURT AND CRIME CASE LOAD

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#### 3. CORRELATION BETWEEN KP CASELOAD AND THE RATE OF NEW CASES FILED IN PHILIPPINE COURTS

The GRF asserts that the BJSS project will help reduce the backlog of court cases in the Philippine judiciary.. The claim rests on an analysis of the long-term increase in cases handled by the KP over the period 1991, which have increased from less than 100,000 to nearly 300,000 by 1999. GRF makes the assumption that each case resolved by alternative means is a case saved from judicial review. GRF goes on to project a substantial cost savings to the Philippine court system based on the number of cases “saved.”

The team conducted further analysis of this relationship. Using data from Philippine court administration, we found that the new caseload filing rate had also increased year by year from 1989, increasing at first very gradually, then sharply to a peak of nearly 600,000 new cases in 1997, and dropping off to 400,000 new cases by 1999. A regression analysis was done and a positive correlation ( $r=.86$ ,  $p<.05$ ) was found between increase in KP cases resolved and increase in first instance filings in the Philippine courts.



There is some evidence that the increased activity of the KP in taking on cases may be contributing to the court caseload. DILG reports that 6.7 % of cases entering the Lupon are referred to the courts. However, this accounts for only 4 % of the new case filings in the court, and does not explain the escalation of case filings overall.

As the SOW question suggests, evidence exists that cases brought to the Lupon, are in the main, cases from complainants that would not otherwise be filed in court. Trainees from the BJSS project in Mindanao were asked this question; the answer was mixed, but 84 % agreed with the statement “most people in my barangay cannot afford to take their complaints to a lawyer and the Philippine courts.”

It is likely that the increase in caseload and the increase in use of alternative dispute mechanisms is a function of a complex set of factors having to do with changes in the law and with the rising general awareness of citizens rights, as Philippine’s experiment in participatory democracy begins to take hold. The increased attention given to the KP by the BJSS through training and the activism of BJAs, may actually increase the willingness of citizens to take complaints to the formal courts and to the KP.

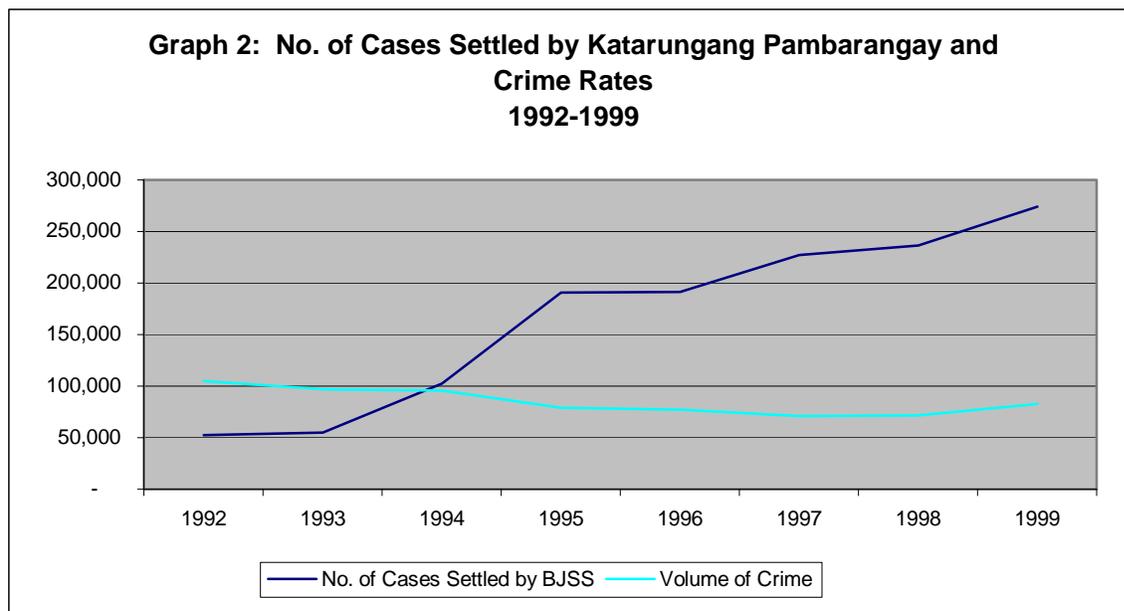
## **I. IMPACT OF KP ON “PEACE AND HARMONY”**

Additional impact analysis was conducted on whether the increased use of alternative dispute settlement mechanisms contributed to increase community peace and harmony. “Peace and Harmony” are difficult to measure quantitatively. Whatever else this means, the absence of peace and harmony would likely be reflected in rising crime rates, especially interpersonal violence, civil disturbances, rape, and other signs of social anarchy. Using national level data on the volume of reported crimes, we found that in the aggregate, the total volume of crimes has decreased over time between 1992 and 2000, with index crimes (murder, homicide, physical injury, robbery, theft and rape) gradually decreasing, but non-index crimes (illegal gambling, illegal possession of firearms, car-napping, illegal drugs, kidnapping and smuggling) becoming slightly more prevalent.

In ARMM provinces, the volume of crimes is also decreasing, with index crimes representing 45% to 64% of total crime volume. Comparatively, the ARMM crime rate is much lower than the national average at 2.4 to 8.8 for the 1996-1999 period.

However, statistics about armed conflict are not reflected in police reports, and here ARMM ranked highest.

## II. CORRELATION BETWEEN CRIME RATES AND CASES SETTLED BY THE KP



There is a strong negative correlation between the cases settled at the KP level and the volume of crimes reported ( $r=-.88$  at  $p<.05$ ). This suggests that the mediation and conciliation activities of the KPs may contribute to reductions in crime, and hence, to increased “peace and harmony.”

## III. THE KP AND BJSS IN MINDANAO: PRACTICES AND ISSUES

The USAID programming interest is now in Mindanao, mainly in the Muslim majority areas. We have examined the aggregate relationship between the KP caseload and the Judicial Case load on the one hand, and reductions in violent crime on the other. We now turn to a closer scrutiny of the KP in Region XI.

The table below is the Department of the Interior and Local Government (DILG) Region XI report on cases filed, as well as the action taken in the KP of the provinces of Compostela Valley, Davao del Norte, Davao Del Sur and Davao Oriental, covering the periods July 1, 2002 to June 30, 2001 and July 1, 2001 to June 30, 2002. The table shows that for the years 2000 to 2001, the percent of cases dismissed went up, but went down by 3.24 percent in 2002.

**Cases Filed From July 1, 2000 – June 30, 2001 &  
July 1, 2001 – June 30, 2002**

Cases Filed: Covering the Periods July 1, 2000 to June 30, 2001 & July 1, 2001 to June 30, 2002													
3 Quarters/Year	LGU	Nature of Cases			Action Taken							Total	% Dismissed Cases/Total # of Cases Filed
		Criminal	Civil	Others	Mediated	Conciliated	Arbitrated	Repudiated	Dismissed	Certified	Others		
2000	Compostela Valley	1593	1387	760	2,963	334	39	7	239	185	34	3740	<b>10.71</b>
	Davao del Norte	1217	1049	230	1798	265	21	6	237	146	23	2496	
	Davao Oriental	1739	1252	1354	2236	283	38	13	657	159	2	3388	
	Davao del Sur	2560	1340	572	3171	572	145	77	378	129		4472	
2001	Compostela Valley	2017	1721	1035	3514	689	75	16	329	107	43	4773	<b>13.21</b>
	Davao del Norte	1465	1265	233	2061	443	18	1	268	171	1	2753	
	Davao Oriental	1431	1130	230	1561	179	58	3	807	267	17	2791	
	Davao del Sur	1919	1222	553	2593	417	110	14	447	113		3694	
2002	Compostela Valley	2833	2064	607	3919	1038	36	12	331	128	40	5504	<b>9.97</b>
	Davao del Norte	1322	1099	116	1720	311	33	8	243	150	17	2537	
	Davao Oriental	1222	841	369	1330	189	67	12	433	161	61	2432	
	Davao del Sur	2208	1495	534	3086	446	70	12	461	315	20	4237	

The table shows the effectiveness of KP in administering justice at their level. Of the 15,053 cases filed in 2000, 13,376 (88.86%) cases were totally terminated, either through mediation, conciliation, arbitration or dismissal, while only 619 (4.11%) cases were certified for filing with the courts. Through the conduct of a round table discussion and interviews with experts, the prosecutors, judges, chiefs of police and DILG field personnel -- the KP's effectiveness in providing justice related services was validated. While the law defines the cases properly falling within the jurisdiction of the KPs, it is so effective and accessible that the parties voluntarily submit even cases that are not within its jurisdiction. The experts interviewed, however, noted that cases related to drugs, illegal possession of firearms and kidnapping are not brought to the KPs. As a matter of practice, the chiefs of police and the prosecutors encourage parties to go back for arbitration, mediation or conciliation for cases involving offenses against persons, although the same have been filed with their respective offices (police and prosecutors).

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## APPENDIX 4

### TRAINING ASSESSMENT QUESTIONNAIRE

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#### PROFILE OF RESPONDENTS AND TRAINING UNDERTAKEN

A.1. Gender:  Male       Female      A.3. Age: \_\_\_\_\_  
A.2. Occupation: \_\_\_\_\_      A.4. Religion: \_\_\_\_\_  
A.5. Education Level: (Check highest level reached)

- |  |                                     |
|--|-------------------------------------|
| <input type="checkbox"/> Post Graduate | <input type="checkbox"/> Elementary |
| <input type="checkbox"/> College       | <input type="checkbox"/> None       |
| <input type="checkbox"/> High School   |                                     |

A.6. Barangay Name: \_\_\_\_\_  
A.7. Municipality Name: \_\_\_\_\_  
A.8. Position in Barangay Justice Service System: (Check more than one if appropriate)

- |  |  |
|--|--|
| <input type="checkbox"/> Lupon Chairman  | <input type="checkbox"/> Barangay Justice Advocate |
| <input type="checkbox"/> Lupon Secretary | <input type="checkbox"/> Others: _____             |
| <input type="checkbox"/> Lupon Member    |  |

A.9. Training Received.

Please check the training you have attended:

Training Modules
<input type="checkbox"/> Katarungang Pambarangay
<input type="checkbox"/> Basic Paralegal Training I: Bill of Rights
<input type="checkbox"/> Basic Paralegal Training II: Family Code & Penal Code
<input type="checkbox"/> Mediation Skills
<input type="checkbox"/> Basic Counseling
<input type="checkbox"/> Technology of Participation I: Basic Facilitation Methods
<input type="checkbox"/> Technology of Participation II: Designing Participatory Events
<input type="checkbox"/> Orientation on Sharia Law
<input type="checkbox"/> Others: (please specify)

A.10 From which CLG did you receive training

- MSU- Iligan
- MSU - Marawi
- Ateneo de Davao University

## TRAINING SELECTION

B.1 How were you selected to take training from CLG?

- I requested it after hearing about it.
- The Barangay Captain requested that I attend.
- I was contacted by the CLG and invited.
- I am a member of Lupong Tagapamayapa and training is required.
- I don't remember.
- Others. Please specify \_\_\_\_\_

B.2 Have you received similar training from any other source, such as an NGO or government agency? (Circle one)

- Yes       No       Don't Know

(If answer is 'YES' to above question continue to question no. 3. If answer is NO or Don't Know, move on to question 4)

Who provided training (name of training provider) \_\_\_\_\_

Others? \_\_\_\_\_

When? Year \_\_\_\_\_

B.3 Have you received any other support from the CLG regarding your work in the Katarungang Pambarangay after completing your last training module?

- Yes       No       Don't Know

B.4 (If YES to Q.2) What was the nature of the support you received from the CLG? \_\_\_\_\_

\_\_\_\_\_.

## TRAINING RELEVANCE AND UTILITY

C.1 Please think about the training you have received then complete the following table by placing an 'X' in the boxes that best represents your judgment about how much knowledge you got from each training course you attended.

KNOWLEDGE/SKILLS	More than Adequate	Very Adequate	Adequate	Somewhat Inadequate	Inadequate
I gained new knowledge and understanding about:					
a.1 The role of the Katarungang Pambarangay in the community					
a.2 The roles and functions of the members of the Katarungang Pambarangay					
a.3 Techniques in handling mediation cases brought to the Katarungang Pambarangay					
a.4 Negotiating settlement agreements between conflicting parties					
a.5 Making people aware of the Katarungang Pambarangay					
a.6 Counseling persons involved in conflict					
a.7 Relevant laws related to the different disputes					

C.2 (For BJA trainees only) The next questions ask for your judgment about how you rate your own effectiveness in doing the work of a BJA in your barangay. Please place an 'X' in the boxes that best represents your view.

	Very Effective	Somewhat Effective	Somewhat Ineffective	Not Effective at All
1. Advocating the BJSS to other barangays				
2. Convincing people with disputes to take their case to the BJSS for mediation				
3. Explaining to people how the law works				
4. Facilitating mediation sessions				
5. Providing counseling services to both complainants and respondents				
6. Facilitating mediation sessions				

C.3 Please try to recall and tell what skills you need in the Katarungang Pambarangay have improved as a result of the training. Complete the table below by placing an 'X' in the box that best represents your judgement after each statement.

	Very Much Better	Somewhat Better	No Change	Not Sure
1. After the training program I now:				
a. Provide counseling to parties in conflict				
b. Persuade parties in conflict to enter into a compromise agreement				
c. Understand the nature of conflict among parties and use appropriate techniques to deal with them				
d. Facilitate the mediation process effectively				

e. Communicate my ideas effectively during mediation				
f. Contribute more to decision-making in the Lupon				
g. Know the legal basis for decisions made by the Lupon				

C.4 (For Lupon Tagapamayapa Members who are not BJAs) please rate the following training programs in terms of their relevance/usefulness to you as a member of the BJSS. Place an 'X' in the appropriate box opposite each training module you have taken. (Box C4)

Please check the training you attended

Relevance and usefulness of the following training programs	Very Useful/ Relevant	Somewhat Useful/ Relevant	Of little Use/ Relevance	Not Useful/ Relevant
<input type="checkbox"/> Katarungang Pambarangay				
<input type="checkbox"/> Basic Paralegal Training I: Bill of Rights				
<input type="checkbox"/> Basic Paralegal Training II: Family Code & Penal Code				
<input type="checkbox"/> Mediation Skills				
<input type="checkbox"/> Basic Counseling				
<input type="checkbox"/> Technology of Participation I: Basic Facilitation Methods				
<input type="checkbox"/> Technology of Participation II: Designing Participatory Events				
<input type="checkbox"/> Orientation on Sharia Law				
<input type="checkbox"/> Others: (please specify)				

C.5 Overall, have the trainings been useful in doing your job as a member of the Lupon Tagapamayapa or as a BJA. Check the box next to the statement that best represents your view. (Check one only)

- I could not do my job properly without the knowledge and skills received from my training.
- My work has improved a lot because of the training
- The training was generally useful, but not essential to my work.
- The training was interesting, but not very useful in my work.

## D. ROLE OF LUPONG TAGAPAMAYAPA AND BJA

Check the appropriate box in answer to each question:

D.1 (For BJAs only) How did you come to be a BJA?

- I learned about it and volunteered my services
- The Barangay leaders asked me to volunteer
- My neighbors and relatives thought I should do it.

I HAVE ALWAYS TRIED TO HELP SO THIS WAS NOT NEW FOR ME.

D.2 (For BJAs only) Thinking back to the beginning of this year, what activities have you done in your role as BJA. (Please look at the following statements and check the box that best fits your situation)

As a result of the training ...	Very Frequently	Frequently	Occasionally	Rarely	Never
1. I have advocated the BJSS to the other barangays					
2. I now persuade people in the barangay to consult BJAs before filing formal complaints					
3. I have explained to people about how the law works					
4. I have been involved directly in mediation of disputes					
5. I have been able to refer people to government agencies and NGOs that can help them with problems.					
6. I have convinced people to take their disputes to the KP for mediation.					

D.3 (BJA and LT) Before you received training, have you been active as a mediator? (circle one)

- No, this is new work for me.
- Yes, but not very frequently
- Yes, even before training, I have always been called on to mediate disputes.
- Other \_\_\_\_\_

D.4 Before you received training, have you been an active member of the Lupun in solving problems in the community? (circle one)

- No, this is new work for me.
- Yes, but not very frequently
- Yes, even before training, I have always been active in the Lupun
- Other \_\_\_\_\_

D.5 (For members of the Lupong Tagapamayapa) Thinking back to the beginning of this year, how would you describe your activities as a member of the LT in your Barangay. (Please indicate whether you agree or disagree by circling the appropriate answer)

After receiving the training ..	Strongly Agree	Agree	Undecided	Disagree	Strongly Disagree
1. My involvement in mediation and conciliation has increased.					
2. I am a more effective mediator than before I took training.					
3. I am able to explain the law much better to disputants than before I took training.					
4. I am able to find better solutions to disputes.					

## E. EFFECTIVENESS OF BJSS SYSTEM

E.1 Think back to 2001 or before. Please give us your view about how effective the KP was in settling disputes in your Barangay. Please check the box beside the statement which best represents your view. (Check only one box)

- The KP was very active and effective in solving disputes.
- The KP was used by people to a limited extent.
- Not many people knew about the BJSS or LT and therefore it was not used much.
- The BJSS and LT were totally inactive in the past.
- Don't know
- Others \_\_\_\_\_

E.2 Now in 2002, please give us your view about how effective BJSS is as a means for settling disputes.

- The BJSS is very active and effective in solving disputes.
- The BJSS is used by people to a limited extent.
- Not many people know about the BJS or LT and therefore it is not used much.
- The BJSS and LT are still inactive.
- Don't know
- Others \_\_\_\_\_

E.3 If asked by a friend in another Barangay whether they should become a BJA, what would be your response?

- Strongly recommend
- Advise he/she to think carefully
- Recommend against it
- Not sure, it depends

E.4 We are interested in learning about the current status of the BJSS/BJA process in your Barangay. Please look at the statements below and check the best response for each statement.

	<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither Agree nor Disagree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>
a. BJSS/BJA is doing a lot to resolve local disputes and conflicts					
b. Without BJSS/BJA local conflicts and disputes would mostly end up in the formal courts.					
c. BJSS/BJAs seek help from government or NGO social agencies in resolving problems					
d. The conflicts and disputes in my community are too big to be resolved by any mediation we can do.					
e. There are other institutions/people in the community who can help resolve conflict					
f. Very few people in my Barangay know about the BJSS/BJA.					
g. Very few people in my barangay avail of the services of the BJSS/BJAs.					
i. People in my Barangay have confidence in the LT and the BJA to come to decisions that are fair and acceptable to all parties.					
j. Most people in my barangay cannot afford to take their complaints to a lawyer and Philippine courts					

E.5 What would you recommend to improve the BJA role in your Barangay. Look at the statements below and tell us how important each is for improving the work of the BJA or the BJSS in your Barangay.

	<b>Very Important</b>	<b>Important</b>	<b>Moderately Important</b>	<b>Of Little Importance</b>	<b>Not Important</b>
1. Make the training more relevant to actual conditions and problems.					
2. Provide continuous “in service” training and follow-up support to BJAs.					
3. Provide salary and expense money for BJAs					
4. CLGs or somebody should provide other technical assistance to help us mediate difficult problems.					
5. For those of us in Muslim majority areas, we need more understanding of Sharia Law.					

Please write down any additional thoughts or ideas you have about the BJSS or BJA role as it works in your community?

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Thank you for your patience and for your thoughts.

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## **APPENDIX 5**

# **GUIDE FOR FOCUS GROUP DISCUSSION FOR THE BJSS TRAINING ASSESSMENT**

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### **QUESTIONS FOR FOCUS GROUPS**

These questions should be used by Facilitators to prompt responses from members of the group.

1. Describe your role as part of the BJSS. (Ask each to introduce self and say what they do.)
2. Do people in your Barangay use the BJSS?
3. What benefits do they get from it?
4. If not, why, what keeps people from coming to the BJSS?
5. Do you think the kind of BJSS cases you deal with would have been taken to the courts if the BJSS was not there?
6. The BJA role is a new idea which is supposed to help people know more about Philippine law and the BJSS. How do you think it is working? (Probe for problems, conflicts in role.)
7. What could be done to make the BJSS more effective and useful for people in your Barangay.
8. In some cases, mediation fails, and the case must be certified to the courts. Please explain why this happens.

### **FOR GROUPS WITH MUSLIM MEMBERS**

1. Does the BJSS work in Muslim Communities?
2. Why or why not, what is different?
3. Without BJSS, how would local conflicts and disputes be handled by the community, if at all?
4. Does introducing the BJSS make things better, or not, for attaining peace and harmony in your community?
5. If there is a dispute in a Muslim family, what is the best way for the community to deal with it, if at all?
6. Is it possible to reconcile Sharia, Izmat and Philippine State Law...or is it not a problem?

7. How do Muslim communities perceive the introduction of BJSS into their community...happy, suspicious, threatened, mixed, wait and see, ignore it?

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## APPENDIX 6.1

### STATISTICAL DATA FROM BJSS TRAINING ASSESSMENT CONFERENCE WORKSHOP

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#### A. PROFILE OF RESPONDENTS

##### A.1 GENDER

Gender	Freq	%
Male	55	52%
Female	51	48%
<b>Total</b>	<b>106</b>	<b>100%</b>

##### A.2 OCCUPATION

Occupation	No.	%
Barangay Captain	10	10%
Barangay Kagawad	9	9%
Barangay Secretary	10	10%
Barangay Health Worker	3	3%
Barangay Clerk	2	2%
Business	4	4%
Carpenter	1	1%
Driver	2	2%
Driver/Mechanic/Farmer	1	1%
Electrician	1	1%
Employee	1	1%
Farmer	16	16%
Fisherman	1	1%
Gov't Employee	3	3%
Housekeeper	13	13%
Laborer	1	1%
Lupon Member	1	1%
None	6	6%
Retiree	4	4%
Self-Employed	2	2%
Student	5	5%
Teacher	1	1%
<b>Total</b>	<b>97</b>	<b>100%</b>

### A.3 AGE DISTRIBUTION

Range	No.	%
30 and below	22	21%
31-40	31	29%
41-50	34	32%
51-60	15	14%
61 and above	5	5%
<b>Total</b>	<b>107</b>	<b>100%</b>

### A.4 RELIGION

Religion	No.	%
Catholic	76	72%
Islam	22	21%
Others	8	8%
<b>Total</b>	<b>106</b>	<b>100%</b>

### A.5 EDUCATIONAL LEVEL

Education	Freq.	%
Post Graduate	9	9%
College	48	47%
High School	34	33%
Elementary	12	12%
None	0	
<b>Total</b>	<b>103</b>	<b>100%</b>

### A.8 POSITION IN BJSS

Position	Freq.	%
Lupon Chairman	21	21%
Lupon Secretary	12	12%
Lupon Member	21	21%
Barangay Justice Advocate	44	44%
Others	1	1%
<b>Total</b>	<b>99</b>	<b>100%</b>

Note: 2 Lupon Chairman, 2 Lupon Secretaries, and 2 Lupon Members are also BJAs

**A.9 TRAINING RECEIVED**

<b>Training Modules</b>	<b>Total No.</b>	<b>% (N=107)</b>
Katarungang Pambarangay	99	93%
Basic Paralegal Training I: Bill of Rights	87	81%
Basic Paralegal Training II: Family Code & Penal Code	85	79%
Mediation Skills	89	83%
Basic Counseling	84	79%
Technology of Participation I: Basic Facilitation Methods	18	17%
Technology of Participation II: Designing Participatory Events	11	10%
Orientation on Sharia Law	9	8%
Others (please indicate)	1	1%
No response/No Training?	8	7%

**A.10 CLG**

<b>CLG</b>	<b>No.</b>	<b>%</b>
Iligan	46	43%
Marawi	18	17%
ADDU	43	40%
<b>Total</b>	<b>107</b>	<b>100%</b>

**B. TRAINING SELECTION****B.1 How were you selected to take training from CLG?**

	<b>No.</b>	<b>%</b>
I requested it after hearing about it.	6	7%
The Barangay Captain requested that I attend.	41	47%
I was contacted by the CLG and invited.	27	31%
I am a member of Lupong Tagapamayapa and training is required.	7	8%
I don't remember	2	2%
Others	5	6%
<b>Total</b>	<b>88</b>	<b>100%</b>

**B.2 Have you received similar training from any other source, such as an NGO or government agency?**

	No.	%
Yes	53	54%
No	43	44%
Don't Know	2	2%
<b>Total</b>	<b>98</b>	<b>100%</b>

**B.3. Have you received any other support from the CLG regarding your work in the Katarungang Pambarangay after completing your last training module?**

Provided Support by CLG?	No.	%
Yes	40	41%
No	28	29%
Don't Know	2	2%
<b>Total</b>	<b>70</b>	<b>71%</b>

**C. TRAINING RELEVANCE AND UTILITY**

**C.1 Please think about the training you have received and complete the table by placing an "X" in the boxes that best represents your judgment about how much knowledge you got from each training course you attended**

	More than Adequate	Very Adequate	Adequate	Somewhat Inadequate	Inadequate	Total Responses
1. I gained new knowledge and understanding about:						
a. The role of katarungan pamparangay in the community	11	40	49	1	0	<b>101</b>
	11%	40%	49%	1%	0%	<b>100%</b>
b. The roles and functions of the members of the KP	9	39	44	9	0	<b>101</b>
	9%	39%	44%	9%	0%	<b>100%</b>
c. Techniques in handling mediation cases brought to the KP	12	22	59	5	0	<b>98</b>
	12%	22%	60%	5%	0%	<b>100%</b>
d. Negotiating settlement agreements between conflicting parties	11	30	48	9	0	<b>98</b>
	11%	31%	49%	9%	0%	<b>100%</b>
e. Making people aware of the KP	13	30	46	11	0	<b>100</b>
	13%	30%	46%	11%	0%	<b>100%</b>
f. Counseling persons involved in conflict	9	31	49	8	2	<b>99</b>
	9%	31%	49%	8%	2%	<b>100%</b>
g. Relevant laws related to the different disputes	4	21	50	18	2	<b>95</b>
	4%	22%	53%	19%	2%	<b>100%</b>

**C.2 (For BJAs only). The next questions ask for your judgement about how you rate your own effectiveness in doing the work of a BJA in your barangay. Please place an "X" in the boxes that best represents your view**

	Very Effective	Somewhat Effective	Somewhat ineffective	Not Effective at All	Total Responses
a. Advocating the BJSS to other barangays	25	18	8	7	58
	43%	31%	14%	12%	100%
b. Convincing people with disputes to take their case to the BJSS for mediation	21	30	8	2	61
	34%	49%	13%	3%	100%
c. Explaining to people how the law works	27	21	4	5	57
	47%	37%	7%	9%	100%
d. Facilitating mediation sessions	24	20	6	6	56
	43%	36%	11%	11%	100%
e. Providing counseling services to both complainants and respondents	33	21	5	2	61
	54%	34%	8%	3%	100%

**C.3 Please try to recall and tell what skills you need in the Katarungang Pambarangay have improved as a result of the training. Complete the table below by placing an "X" in the box that best represents your judgment after each statement**

	Very Much Better	Somewhat Better	No Change	Not Sure	Total Responses
a. Providing counseling to parties in conflict	49	49	1	1	100
	49%	49%	1%	1%	100%
b. Persuade parties in conflict to enter into a compromise agreement	32	61	1	3	97
	33%	63%	1%	3%	100%
c. Understand the nature of conflict among parties and use appropriate techniques to deal with them	37	61	1	0	99
	37%	62%	1%	0%	100%
d. Facilitating the mediation process effectively	43	53	1	2	99
	43%	54%	1%	2%	100%
e. Communicate my ideas effectively during mediation	41	56	2	0	99
	41%	57%	2%	0%	100%
f. Contribute more to decision-making in the Lupon	36	59	3	0	98
	37%	60%	3%	0%	100%
g. Know the legal basis for decisions made by the Lupon	28	61	7	2	98
	29%	62%	7%	2%	100%

**C.4 (For Lupong Tagapamayapa Members who are not BJAs). Please rate the following training programs in terms of their relevance/usefulness to you as a member of the BJSS.**

	Very Useful	Useful	Moderately Useful	Of little Use	Not Useful	Total Responses
a. Katarungang Pambarangay	19	17	1	2	0	<b>39</b>
	49%	44%	3%	5%	0%	<b>100%</b>
b. Basic Paralegal Training I: Bill of Rights	12	19	0	0	0	<b>31</b>
	39%	61%	0%	0%	0%	<b>100%</b>
c. Basic Paralegal Training II: Family Code & Penal Code	13	18	0	0	0	<b>31</b>
	42%	58%	0%	0%	0%	<b>100%</b>
d. Mediation Skills	16	17	0	0	0	<b>33</b>
	48%	52%	0%	0%	0%	<b>100%</b>
e. Basic Counseling	11	18	2	0	0	<b>31</b>
	35%	58%	6%	0%	0%	<b>100%</b>
f. Technology of Participation I: Basic Facilitation Methods	7	8	1	0	0	<b>16</b>
	44%	50%	6%	0%	0%	<b>100%</b>
g. Technology of Participation II: Designing Participatory Events	4	10	0	0	0	<b>14</b>
	29%	71%	0%	0%	0%	<b>100%</b>
h. Orientation on Sharia Law	4	8	1	1	0	<b>14</b>
	29%	57%	7%	7%	0%	<b>100%</b>
I. Others (please indicate)	6	3	0	1	0	<b>10</b>
	60%	30%	0%	10%	0%	<b>100%</b>

**C.5 Overall, how useful has the training you have received been in doing your job as a member of the Lupong Tagapamayapa or as a BJA. Circle the letter next to the statement that best represents your view.**

	No.	%
I could not do my job properly without the knowledge and skills received from my training.	25	31%
My work has improved a lot because of the training	45	56%
The training was generally useful, but not essential to my work.	9	11%
The training was interesting, but not very useful in my work.	1	1%
<b>Total</b>	<b>80</b>	<b>100%</b>

## D. ROLE OF LUPONG TAGAMAYAPA AND BJA

### D.1 (For BJAs only) How did you come to be a BJA or member of the LT?

	No.	%
I learned about it and volunteered by services	13	36%
The Barangay leaders asked me to volunteer	20	56%
My neighbors and relatives thought I should do it.	0	0%
I have always tried to help so this was not new for me.	3	8%
<b>Total</b>	<b>36</b>	<b>100%</b>

### D.2 (For BJAs only) Thinking back to the beginning of this year, what activities have you done in your role as BJA.

	Very Frequently	Frequently	Occasionally	Rarely	Never	Total Responses
a. I have advocated the BJSS to the other barangays	7 21%	9 26%	9 26%	2 6%	7 21%	<b>34</b> <b>100%</b>
b. I now persuade people in the barangay to consult BJAs before filing formal complaints	8 22%	18 50%	6 17%	3 8%	1 3%	<b>36</b> <b>100%</b>
c. I have explained to people about how the law work	4 11%	21 58%	6 17%	5 14%	0 0%	<b>36</b> <b>100%</b>
d. I have been involved directly in mediation of disputes	7 20%	15 43%	5 14%	5 14%	3 9%	<b>35</b> <b>100%</b>
e. I have been able to refer people to government agencies and NGOs that can help them with problems	2 6%	12 35%	12 35%	7 21%	1 3%	<b>34</b> <b>100%</b>
f. I have convinced people to take their disputes to the KP for mediation	5 14%	16 46%	6 17%	6 17%	2 6%	<b>35</b> <b>100%</b>

### D.3 (BJA and LT) Before you received training have you been active as a mediator

	No.	%
No. This is new work for me	23	27%
Yes, but not very frequently	42	49%
Yes, even before training, I have always been called on to mediate disputes	21	24%
Others	0	0%
<b>Total</b>	<b>86</b>	<b>100%</b>

**D.4 Before you received training, have you been an active member of the Lupon in solving problems in the community?**

	<b>No.</b>	<b>%</b>
No. This is new work for me	27	36%
Yes, but not very frequently	29	38%
Yes, even before training, I have always been active in the Lupon	19	25%
Others	1	1%
<b>Total</b>	<b>76</b>	<b>100%</b>

**D.5 (For members of the Lupon Tagapamayapa) Thinking back to the beginning back to the beginning of this year, how would you describe your activities as a member of the LT in your Barangay?**

	<b>Strongly Agree</b>	<b>Agree</b>	<b>Undecided</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>Total Responses</b>
a. My involvement in mediation and conciliation has increased	12	29	0	0	0	<b>41</b>
	29%	71%	0%	0%	0%	<b>100%</b>
b. I am more effective mediator than before I took training	14	32	2	5	0	<b>53</b>
	26%	60%	4%	9%	0%	<b>100%</b>
c. I am able to explain the law much better to disputants than before I took training	14	31	7	4	0	<b>56</b>
	25%	55%	13%	7%	0%	<b>100%</b>
d. I am able to find better solutions to disputes	15	33	2	5	0	<b>55</b>
	27%	60%	4%	9%	0%	<b>100%</b>

### EFFECTIVENESS OF THE BJSS

**E.1 Think back to 2001 or before. Please give us your view about how effective the KP was in settling disputes in your barangay.**

	<b>No.</b>	<b>%</b>
The KP was very active and effective in solving disputes	51	51%
The KP was used by people to a limited extent	24	24%
Not many people knew about the BJS or LT and therefore it was not used much	18	18%
The BJSS and LT were totally inactive in the past	6	6%
Don't know	1	1%
Others	0	
<b>Total</b>	<b>100</b>	<b>100%</b>

**E.2 Now in 2002, please give us your view about how effective BJSS is as a means for settling disputes**

	No.	%
The BJSS is very active and effective in solving disputes	60	62%
The BJSS is used by people to a limited extent	17	18%
Nt many people know about the BJS or LT and therefore it is not used much.	15	15%
The BJSS and LT are still inactive.	2	2%
Don't know	0	
Others	3	3%
<b>Total</b>	<b>97</b>	<b>100%</b>

**E.3 If asked by a friend in another Barangay whether they should become a BJA, what would be your response?**

	No.	%
strongly recommend	60	63%
Advise he/she to think carefully	30	31%
Recommend against it	2	2%
Not sure, it depends	4	4%
<b>Total</b>	<b>96</b>	<b>100%</b>

**E.4 We are interested in learning about the current status of the BJSS/BJA process in your Barangay. Please look at the statements below and check the best response for each statement.**

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	Total Responses
a. BJSS/BJA is doing a lot to resolve local disputes and conflicts	39	49	7	0	0	<b>95</b>
	41%	52%	7%	0%	0%	<b>100%</b>
b. Without BJSS/BJA local conflicts and disputes would mostly end up in the formal courts.	25	36	15	12	1	<b>89</b>
	28%	40%	17%	13%	1%	<b>100%</b>
c. BJSS/BJAs seek help from government or NGO social agencies in resolving problems	20	40	16	5	6	<b>87</b>
	23%	46%	18%	6%	7%	<b>100%</b>
d. The conflicts and disputes in my community are too big to be resolved by any mediation we can do	12	30	19	18	8	<b>87</b>
	14%	34%	22%	21%	9%	<b>100%</b>
e. There are other institutions/people in the community who can help resolve conflict.	13	52	9	9	1	<b>84</b>
	15%	62%	11%	11%	1%	<b>100%</b>
f. Very few people in my Barangay know about the BJSS/BJA.	17	39	12	15	7	<b>90</b>
	19%	43%	13%	17%	8%	<b>100%</b>

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	Total Responses
g. Very few people in my barangay avail of the services of the BJSS/BJA	14	42	18	12	6	<b>92</b>
	15%	46%	20%	13%	7%	<b>100%</b>
i. People in my Barangay have confidence in the LT and the BJA to come to decisions that are fair and acceptable to all parties.	29	55	8	4	0	<b>96</b>
	30%	57%	8%	4%	0%	<b>100%</b>
j. Most people in my barangay cannot afford to take their complaints to a lawyer and Philippine courts	48	34	13	1	1	<b>97</b>
	49%	35%	13%	1%	1%	<b>100%</b>

**E.5 What would you recommend to improve the BJA role in your Barangay. Look at the statements below and tell us how important each is for improving the work of the BJA or the BJSS in your Barangay.**

	Very Important	Important	Moderately Important	Of Little Importance	Not important	Total Responses
a) Make the training more relevant to actual conditions and problems.	64	31	2	0	0	<b>97</b>
	66%	32%	2%	0%	0%	<b>100%</b>
b) Provide continuous “in service” training and followup support to BJAs.	68	28	2	1	0	<b>99</b>
	69%	28%	2%	1%	0%	<b>100%</b>
c) Provide salary and expense money for BJAs	58	27	8	4	1	<b>98</b>
	59%	28%	8%	4%	1%	<b>100%</b>
d) CLGs or somebody should provide other technical assistance to help us mediate difficult problems.	39	39	12	3	4	<b>97</b>
	40%	40%	12%	3%	4%	<b>100%</b>
e) For those of us in Muslim majority areas, we need more understanding of Sharia Law.	45	21	1	3	3	<b>73</b>
	62%	29%	1%	4%	4%	<b>100%</b>

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## **APPENDIX 6.2**

### **ACTIVITY REPORT**

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**Conference-Workshop for the BJSS Training Assessment**  
**Manresa, Talomo, Davao City**  
**November 9, 2002**

The event opened at 9:00 AM.

Participants from Davao, Lanao del Norte and Lanao del Sur composed of BJAs and members of the Lupon ng Tagapamayapa in the Katarungang Pambarangay were present in the venue. Group coordinators from the CLGs were also present.

Prof. Leyco opened the programme by giving the background and the purpose of the project. He then proceeded to brief the participants about the activities in the programme.

The morning session was devoted to the accomplishment of the training assessment questionnaire. Each participant was given a kit that contained a questionnaire and a pen. Prof. Leyco facilitated the process by guiding the participants item by item as they answered the questionnaire. The CLD staff stood in the sidelines to aid the participants in cases when clarifications were needed.

The participants' eagerness to participate allowed for the accomplishment questionnaires to be finished by noontime. Before lunch, 10 more participants from Davao arrived. They were given questionnaires to answer. A total number of 107 questionnaires were collected from the participants.

At 1:00 in the afternoon, Fidel Bautista gave the introduction for the workshop. The participants were divided into small groups according to their locality / barangay. Facilitators, documentors, and rapporteurs were chosen from each group. Guide questions were given to them to answer. After an hour and a half, the groups were again herded into the plenary hall to begin the sharing of the results of their discussion. Rapporteurs from the ten groups were called to present one by one until the last group. All the groups were able to answer the workshop questions completely.

Fidel Bautista and Prof. Leyco gave their closing remarks after the last presentation. The session was closed at 5:00 PM.

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## **APPENDIX 6.3**

# **WORKSHOP RESULTS OF THE BJSS TRAINING ASSESSMENT**

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**Manresa, Davao City**  
**November 9, 2002**

### **QUESTIONS FOR FOCUS GROUP**

1. Describe your role as part of the BJSS. (Ask each to introduce self and say what they do.)
2. Do people in your Barangay use the BJSS?
3. What benefits do they get from it?
4. If not, why, what keeps people from coming to the BJSS?
5. Do you think the kind of BJSS cases you deal with would have been taken to the courts if the BJSS was not there?
6. The BJA role is a new idea which is supposed to help people know more about Philippine law and the BJSS. How do you think it is working? (Probe for problems, conflicts in role.)
7. What could be done to make the BJSS more effective and useful for people in your Barangay.
8. In some cases, mediation fails, and the case must be certified to the courts. Please explain why this happens.

### **FOR GROUPS WITH MUSLIM MEMBERS**

1. Does the BJSS work in Muslim Communities?
2. Why or why not, what is different?
3. Without BJSS, how would local conflicts and disputes be handled by the community, if at all?
4. Does introducing the BJSS make things better, or not, for attaining peace and harmony in your community?
5. If there is a dispute in a Muslim family, what is the best way for the community to deal with it, if at all?
6. Is it possible to reconcile Sharia, Izmat and Philippine State Law...or is it not a problem?
7. How do Muslim communities perceive the introduction of BJSS into their community...happy, suspicious, threatened, mixed, wait and see, ignore it????

### **WORKSHOP RESULTS**

#### **GROUP 1: BRGY LINAMON, LANA DEL NORTE**

1. To assist individuals involved in disputes to find help for possible settlement through counseling methods.
2. Yes because it's the only way to solve complaints. They find that the Barangay Justice has the knowledge, integrity and authority.
3. a. Less time and effort consumed in the settlement process.

- b. Complaint does not have to be brought to the higher court.
4. No answer.
5. It depends on the nature of the cases filed.
6. Through implementing the rules and procedures provided in the BJSS by conducting counseling and mediation.
7. a. Monthly meeting for review by of rules and procedures.  
b. Gather additional inputs from CLGs
8. Both parties are hesitant for amicable settlement. High pride.

## **GROUP 2: POBLACION, PURAKAN, SAMBURON, LANA DEL NORTE**

1. Roles:
  - a. Barangay captain:
    - ▶ Amicable settlement
    - ▶ Preside in the meetings / hearings of cases
    - ▶ Attests/certify cases
  - b. Secretary:
    - ▶ Take note of all minutes / records
    - ▶ Keep all records
    - ▶ Make amicable agreement
    - ▶ Issuance of certification to file action when settlement is not reached
  - c. Lupon:
    - ▶ Settle the dispute
    - ▶ pangkat ng tagapagkasundo
    - ▶ enforce by execution
- BJA:
  - ▶ Serve as counselor to conflicting parties
  - ▶ Resolve before the case is brought to the barangay
  - ▶
2. Yes, through counseling.
3. a. More knowledge of law through seminar /trainings;  
b. Minimize / reduce cases.
4. No answer
5. Yes. Some of the cases were forwarded to higher court
  - a. no amicable settlement was reached by both parties
  - b. violation of agreement
  - c. high pride
  - d. failure to appear
6. Assist / support the LT
7. To encourage people to attend seminars of the BJSS / BJA
  - a. to allocate funds for BJSS/BJAs for better services.
  - b. Advocacy through IEC
8. Because of the complainants' arrogance (high pride)

### **GROUP 3 (MALALAG, DAVAO DEL SUR)**

1. We play a big role by assisting barangay captains to settle disputes w/o compensation
2. Yes, 95% of people in the barangay use the BJSS
3. BJSS help the people in resolving cases to avoid bringing them to the courts. (Ang nahatag nga benepisyong sa BJSS ngad to sa katauhan mao ang pagtabang nga ang ilang kaso dili na madanagt sa hukmanon.)
4. The people are still not aware of the support that the BJSS can provide. (Tungo kay ang mga katauhan wala pa kaayo masayod mahitungod sa BJSS ug sa ilang dakong matabang sa ma problema.)
5. Sometimes, because there are cases that can be reconciled within the purok or within the homes. (Unsayay, tungod kay adunay mga kasong mahusay lamang sulod sa ilang mga purok o sulod pahimalay.)
6. Yes it works, through transferring the knowledge learned by the BJAs in training seminars. (Yes it works, kini pinaagi sa pagsaysay kanila sa kahibalo sa BJAs mahiungod sa mga nakatonan sa training seminars.)
7. We need to formally introduce the BJAs to the people in the barangay. (Kinahanglang ang pormal nga agpaila sa mga BJAs ngadto sa katauhan sa barangay.)
8. There are cases that cannot be resolved that ended up to the courts because of the conflicting standpoint of the complainant and the accused. (Adunay mga kaso nga dili mahusayug kini modangat ngadto sa Hukmanon tungod sa nagkadaiyang mga baruganan sa mga magsusumbong o sinumbong.)

### **GROUP 4: ISLAMIC CITY OF MARAWI GROUP B**

1. We work as a team to promote peace and order in the barangay using the guidelines of BJSS.
2. Yes.
3. Attain peace and economic development
4. No answer
5. No, mas magastos pumunta sa korte compared to just killing the person.
6. Yes, effective tools in reconciling disputes (rido)
7. More awareness to Muslim about Philippine laws, e.g. Muslims don't allow usury, Christians do
8. Both parties claim, "I am right". In cases of too much pride from the parties, bayaan na lang ng nag-mediate mapunta sa korte.

#### ***Second part for Muslims:***

1. Yes, BJSS works in Muslim community.
2. BJSS and traditional leaders work together because peace and order is a common desire.
3. They call traditional leaders, sultan, imam, to reconcile parties in dispute.
4. Yes.
5. Unified approach of BJSS / BJAs and traditional leaders of barangay. Traditional leaders should not be bypassed or else magtatampo sila.
6. No, culture bound, Christians and Muslims have many dissimilarities.
7. They wait and see if the BJSS is effective

## GROUP 5: BRGY LARAPAN, LANA DEL NORTE

1. Roles:
  - a) Barangay Captain
    - ▶ to settle dispute between complainant and respondent
    - ▶ to come up w/ amicable settlement w/ the dispute as much as possible
  - b) Secretary- to keep records / minutes of all cases
  - c) Lupon – settle dispute when it is not settled by the barangay captain
  - d) BJA – serve as mediator / counselor before cases filed in the barangays
  - e)
2. Yes, as:
  - a) guide in settling disputes through the provision of manuals as ready reference
  - b) provided technical support such as seminars and training
3. Benefits:
  - a) sufficient knowledge
  - b) familiarize with Phil lawpapers
  - c) reduced number of cases filed in the barangays
4. No answer
5. Yes, it will still be taken to the higher courts
6. No conflicts, steps in settling disputes
  - a) The BJA upon learning the dispute visits the aggrieved party then the respondent
  - b) They try to pacify both parties using the skills acquired from training and the manuals
  - c) The dispute then is amicably settled
7. Make BJSS more effective and useful
  - a. acquire more skills through seminars and training
  - b. advocacy to the barangay constituents
  - c. allocate budget for BJSS (barangay level)
8. “gabi ng ulo” or hardheadedness of both parties, high pride of both *parties*

### Second set of questionnaire for Muslims in the area:

1. Particularly in Brgy. Larapan: yes.
2. Muslims are peace-loving people, educated and applies knowledge derived from the BJSS training.
3.
  - a. Through amicable compromise through “kandoti” (thanksgiving)
  - b. Consultation with the council of leaders / datu
4. Best in attaining peace and harmony
5. Best way is to use the knowledge gained from the BJSS training, e.g. use the mediation skills as provided in the manual
6. In cases of conflict among the three laws, the governing law will prevail.
7. First reaction / impression or “maniid” (observing). Second / lasting impression people became more appreciative of the positive effects and then adopted the method.

## GROUP 6: MARAWI CITY

1. Teamwork for the success of BJSS in our respective communities.
2. Yes.

3. Ang magkaroon ang kabuluhan sa bagay na to. Integration of Sharia of the Philippines at ito'y ang kanyang kabaranggayan ay may naganap na konting pangyayari. There is a very high impact of our organization of settling disputes in the sitios. It simplifies preparation of documents, and immediate settlement of small disputes. People are guided as to where they should report misunderstandings. Minimize red tape in the justice system.
4. Political rivalry. Municipal office can influence rido in the barangay. Nepotism by the barangay captain or chairman.
5. Folk leaders settle all the rido in the barangay so that they won't have to reach the municipal court.
6. BJAs integrate the Shari'a, customary law and the Philippine laws. They simplify the laws and help the barangay officials interpret the laws.
7. Recognition of the role of the BJSS in the Philippine courts / justice system.
8. Request decision of BJSS before going to court.

***Second part of the questionnaire:***

1. Yes.
2. Muslims are law-abiding citizens due to the presence of tripartite laws.
3. The barangay leaders and other civic leaders look for all the ways to settle dispute in the barangay.
4. Yes, peace and harmony attainable in the community.
5. To mediate the two disputing family, to make understand each other.
6. Yes, all laws are for the good of all human beings
7. It will help the Muslim communities as long as professional ulamas and the traditional bodies are involved.

**GROUP 7: (W/ FUNCTIONAL CHART BJA UNDER BRGY CAPTAIN, DOUBLE ARROW W/ BARANGAY SECRETARY)**

1. Roles of barangay officials:
  - a. Punong barangay:
    - i. major role: executive
    - ii. minor role: judiciary, legislative
  - b. Secretary – receiving cases, scheduling cases, dissemination of info
  - c. BJA – counseling and mediation
  - d. LT – conducts hearings and cross examinations
2. Yes
3. Benefits people gain from BJSS:
  - a. amicable settlement
  - b. acquisition of knowledge
  - c. learning methods and techniques of counseling and mediation
  - d. minimize further hassles like expenses and pressure
4. Null and void
5. No, it has to undergo the process – the right procedure
6. Yes
7. Appeal to legality and the amount concerned - below 10,000 Php
8. Possible reasons:

- a. Both parties not willing to settle due to pride
- b. Stubbornness

#### **GROUP 8: MALALAG, DAVAO DEL SUR**

1. Magbigay ng advice na makakatulong upang mabigayan ng sapat kaalaman upang hindi na mapunta ang kaso sa mataas na hukuman.
2. Paminsan-minsan lang ginagamit ang BJSS dahil walang sapat na impormasyon dito.
3. Nakapagbibigay kaalaman sa mga tao tungkol sa batas.
4. Mostly ang mga complainant dumidiretso na sa punong barangay dahil nakagawian na nila ito.
5. Kung ang ay complainant mataas pride, mapupunta talaga sa korte ang kaso meron man o walang BJSS.
- 6 & 7. Kailangan mare-echo sa bawat purok upang malaman ng mga tao tungkol sa BJSS
8. Ito ang nangyayari dahil ang complainant at respondent ay hindi nagkakasundo.

#### **GROUP 9: MONKAYO, PENAPLATA, OLAYA, DAVAO DEL NORTE**

1. To extend help, counselor-facilitator, analyst interpreter of legal matters
2. Yes, settlement of cases must pass through the Barangay Captain's office and the Lupon whose functions are under the BJSS.
3. No
  - a. Save time money, effort
  - b. Prevents congestion of higher courts
  - c. Peace of mind and self confidence
  - d. Unity and harmony
4. No answer
5. Yes, because even before the coming of the BJSS all cases that were not settled in the Barangay have been endorsed to the court. The parties doing these are mostly the complainants especially if both parties do not reach amicable settlement before the Lupon or the Barangay Captain.
6. The BJA, if applied religiously to the people of the barangay who have conflicting interest that may lead to troubles, will definitely reduce tension among conflicting parties because the BJSS's role is to help them understand the problem that may otherwise go to court. The BJA can reduce cases that might have been brought to the barangay captain or Lupon if the BJA is able to facilitate amicable settlement.
7. Proper information dissemination to the people through the barangay assembly. The BJA may possibly be given financial support to function effectively.

#### **GROUP 10: OLAYCON, BABAG AND PENAPLATA**

1. Acts as mediator and give advise to warring groups for any possible solutions without having to send the case to the LT. Explain to the respondent and complainant the consequences and expenses of going to court, pros and cons e.g. length of time of resolution in courts.
2. In Penaplata, BJSS not implemented well due to lack of training in the BJSS system. In Olaycon, there is improvement in the process of mediation because of the acquired training. Babag has greatly attained the reconciliatory process due to acquired training.

3. One of the benefits respondents and complainant do not need to go to court, they can go back in good terms thereby preserving close neighborhood and close family ties.
4. Not applicable
5. No more. Cases mediated had been settled amicably even when the BJSS is not practiced, practical reconciliatory process used.
6. By educating the barangay folks about the Bill of Rights, Family Code, and the BJSS system. Reconciliatory process has helped the respondent and complainant, and the whole barangay population. The cases that may be filed within the barangay level must be resolved by the barangay. (Kaso nga maihatag lang sa barangay level, solbaron sa barangay.) Wala ang Family Code sa KP, sa BJSS kasama.
7. To make BJSS more effective, delegates from Babag, Pepe Cabahug (BJA), Penaplata – Pet Gibela (BJA), Olaycon – Norma Mayran (BJA) suggested and recommended that providing honorarium / incentives to continue implementation of BJSS
9. Mediation fails only in cases not w/in scope of barangay / KP due to pride of respondent and complainant. Special circumstances such as respondent has escaped – case is brought to court.

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## **APPENDIX 7**

### **MINUTES OF THE MEETINGS**

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Minutes of the Meeting on October 7, 2002

Minutes of the Meeting on October 10, 2002

Minutes of the Meeting on October 18, 2002

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## **APPENDIX 7.1**

### **MINUTES OF THE MEETING**

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#### **CLD-USAID MEETING FOR THE ASSESSMENT OF THE CENTERS FOR LOCAL GOVERNANCE IN SUSTAINING THE GOLD PROJECT GAINS AND IN IMPLEMENTING THE BARANGAY JUSTICE SERVICE SYSTEM PROJECTS**

*October 7, 2002 USAID Conference Room*

**PRESENT:**

Robert Wuertz – USAID Governance Officer  
Nap De Sagun – USAID Program Manager  
Raquel Olandia – Gerry Roxas Foundation  
Noel Leyco – Center for Legislative Development  
Agnes Devanadera – Center for Legislative Development  
Fidel Bautista – Center for Legislative Development  
Windel Lacson – Center for Legislative Development

**AGENDA:**

1. Presentation of CLD Workplan for the assessment
2. Validation of the proposed project research design

**PROCESS:**

Prof. Leyco of the Center for Legislative Development (CLD) presented the evaluation team's background and the workplan for the assessment based on the original scope of work to Robert Wuertz and Nap de Sagun of the USAID and Raquel Olandia of the Gerry Roxas Foundation. Suggestions to sharpen the evaluation were given in the course of the presentation. Some parts of the original workplan were modified to accommodate suggestions.

**DISCUSSION:**

1. Mr. Wuertz suggested that the evaluation team focus on the BJSS Project alone. He mentioned that the USAID has already started implementing the BJSS Project in the ARMM and that on October 22, 2002 they will be signing an MOU with the DOJ and the DILG for it. He said that results of the evaluation will help in improving the project.
2. Further, Mr. Wuertz suggested that the team focus on meeting the CLGs implementing the BJSS Project, and CIDA among other donor agencies. USAID has met with other donor agencies before therefore additional meeting with them is no longer necessary.
3. Prof. Leyco sought affirmation regarding the relevance of including an institutional assessment of the Consortium and the CLGs involved in the BJSS project. Mr. Wuertz, Mr. De Sagun and Mr. Olandia agreed.

4. Prof. Leyco sought the help of Mr. Olandia in determining the sampling strategy for the evaluation. He recommended including BJAs from three barangays covered by the respective CLGs: Ateneo de Davao, Mindanao State University in Marawi, Mindanao State University in Iligan and the Gerry Roxas Foundation.
5. Mr. Olandia suggested that barangay chairpersons, barangay secretaries and some member of the Lupon be included as interviewees.
6. Prof. Leyco asked if parties to cases formerly handled by the BJSS could be interviewed to determine their satisfaction level on the way their case was handled and the reason behind their response. He expressed some doubts, however, on whether people who were previously in conflict would be willing to come in a conference workshop to talk about past episodes. An alternative is to get the documentation of cases from the barangays.
7. Prof. Leyco mentioned that results of the 1993 Social Weather Station survey on the judicial system will be used as background data for the evaluation.
8. The GRF through Mr. Olandia agreed to furnish the evaluation team that will facilitate assessment. These are:
  - a. Documents about the Consortium
    - i. Mission, vision and objectives
    - ii. Minutes of meetings
    - iii. SEC registration
    - iv. Description of plans and programs
  - b. Documents about the CLGs
    - i. Vision-Mission-Objectives statements of the four CLGs
    - ii. BJSS accomplishment reports
    - iii. Types / frequency of trainings conducted
    - iv. Results of training needs assessment
    - v. Training evaluation
    - vi. Documentation of trainings conducted
    - vii. Background of trainers – academic, professional, experiences in handling conflicts
  - c. Documents from the BJSS
    - i. Documentation of cases
    - ii. Monitoring reports/statistics
9. Mr. de Sagun suggested that the team visit the GRF office in Capiz to review the documents.
10. Prof. Leyco asked for confirmation regarding the evaluation team's plan to make recommendations on the following issues:
  - a. What components of the BJSS training were most useful
  - b. What makes an effective BJSS
  - c. What makes a credible Barangay Justice Advocates

What are the criteria in selecting the BJA

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## **APPENDIX 7.2**

### **MINUTES OF THE MEETING**

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#### **HIGHLIGHTS OF THE CLD-USAID MEETING**

#### **FOR THE ASSESSMENT OF THE CENTERS FOR LOCAL GOVERNANCE IN**

#### **SUSTAINING THE GOLD PROJECT GAINS AND IN IMPLEMENTING THE**

#### **BARANGAY JUSTICE SERVICE SYSTEM PROJECT**

*October 10, 2002 USAID Conference Room*

**PRESENT:**

Robert Wuertz – USAID Governance Officer  
Nap De Sagun – USAID Program Manager  
Richard Blue – Development Associates, Inc.  
Noel Leyco – Center for Legislative Development  
Agnes Devanadera – Center for Legislative Development  
Jane Devanadera – Center for Legislative Development  
Fidel Bautista – Center for Legislative Development  
Windel Lacson – Center for Legislative Development

**AGENDA:**

1. Discussion on the Assessment Team’s Work Plan
2. Discussion of the USAID’s expectations on the final report

**DISCUSSION:**

The assessment team led by Dr. Richard Blue met with Robert Wuertz and Napoleon De Sagun of the USAID to verify changes in the scope of work and in the USAID’s expectations for the team’s final output. The team also clarified some issues regarding the role of the BJAs in the community vis-à-vis the Katarungang Pambarangay system.

The parties agreed that the Scope of Work would cover two areas: an institutional assessment of four CLGs implementing the Barangay Justice Service System (BJSS) Project and a program assessment of the BJSS Project in Mindanao particularly with references to ARMM areas.

They also agreed that for the program assessment, the team would look into the effectiveness of the said CLGs in providing training for the members of the Lupon ng mga Tagapamayapa and the Barangay Justice Advocates (BJAs).

The assessment team would gather data needed from the CLGs, members of the Lupon and the BJAs through conference workshops held in Mindanao.

The team will also assess performance of BJSS in relation to the reduction in court case backlog.

The CLGs included are the Gerry Roxas Foundation, the lead implementor of the BJSS, Ateneo de Davao, Mindanao State University in Iligan and Marawi who are implementing the BJSS Project in some areas of Mindanao. The team anticipates full cooperation from these institutions in conducting the assessment.

Mr. Wuertz mentioned that things he would like to see in the report are: recommendations on how to make the BJSS more effective, recommendations on how to make the CLGs more effective, and anything in the BJSS that they can hold out to other donors.

This document replaces the original Scope of Work for the evaluation of the USAID BJSS Program as agreed upon by Development Associates, Inc.

APPROVED:

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Napoleon De Sagun  
USAID Program Manager

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Robert Wuertz  
USAID Governance Officer

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## APPENDIX 7.3

### MINUTES OF THE MEETING

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**CLD-USAID MEETING**  
**FOR THE ASSESSMENT OF THE CENTERS FOR LOCAL GOVERNANCE IN**  
**SUSTAINING THE GOLD PROJECT**  
**GAINS AND IN IMPLEMENTING THE BARANGAY**  
**JUSTICE SERVICE SYSTEM PROJECT**  
*October 18, 2002 USAID Conference Room 4*

**PRESENT:**

Robert Wuertz – USAID Governance Officer  
Nap De Sagun – USAID Program Manager  
Lulu – USAID Contracts Office  
Richard Blue – Development Associates, Inc.  
Noel Leyco – Center for Legislative Development  
Jane Devanadera – Center for Legislative Development  
Fidel Bautista – Center for Legislative Development  
Windel Lacson – Center for Legislative Development

**AGENDA:**

1. Discussion on modifications on the Scope of Work
2. Discussion of the modifications on the Workplan
3. Presentation of the Training Assessment Questionnaire

**DISCUSSION:**

1. Dr. Richard Blue asked the concurrence of Mr. Nap de Sagun and Mr. Rober Wuertz of the USAID to the refocused of the Scope of Work. Instead of the original plan to do a national assessment of the Barangay Justice Service System (BJSS), the assessment team will now focus on the Project's implementation in Mindanao.
2. Mr. De Sagun and Mr. Wuertz agreed to Dr. Blue, however, they said that they are not the persons to sign the documents containing the changes. The papers have to go through the Contracts Office for the agreement to be official.
3. Dr. Blue stated that the team plans to get data for the assessment from four sources: aggregate data analysis involving the trends in the number of cases filed in the courts and the number of police reports about violent incidences in the communities under study; an institutional assessment of the Consortium and the CLGs; workshop; case studies from five barangays to be done by a contracted researcher.

3. Dr. Blue also related the team's plan to gather 150 trained Barangay Justice Advocates, Barangay Captains, Barangay Secretaries and members of the Lupon ng mga Tagapamayapa in a conference workshop wherein the training assessment will be done. Fifty participants will represent each CLG. Based on the preference of the CLGs, the conference workshop may happen on November 9-10, 2002.
4. The team will conduct the institutional assessment after the USAID MOU signing with LGUs and other groups on October 21, 2002.
5. Research for the barangay-level case studies will start on the third week of October.
6. The assessment team has also decided to consult with experts on culture of Muslims in Mindanao and experts on the Shari'a Law in order to sharpen their instruments for data gathering and the analysis for the report.
7. Dr. Blue also shared his plans to leave the Philippines on October 24 since he does not feel comfortable going to Mindanao after a series of violent incidents that has happened there. He also said that the Regional Security Advisor of the US Embassy discouraged him to go to Mindanao. Dr. Blue said that the team of local consultants is perfectly capable of handling the conference workshop in Mindanao. He will continue writing the report while in the United States and correspond with the team members through the Internet.
8. Dr. Blue suggested that the money that will be saved from this arrangement could be placed for other items in the project, i.e. the conference workshop.
9. Mr. De Sagun said that he does not object to the idea. Mr. Wuertz said that he would check with the Embassy if Americans are indeed discouraged to go to Mindanao. As to the realignment of the budget allocation, Mr. Wuertz and Mr. De Sagun said that the team can prepare the modified budget and that they will endorse it to the Contracts Office. They said that they do not have authority to approve changes in the contract.
10. Due to unavoidable delays, the assessment team is asking for a no-cost extension of the project. Dr. Blue said that the internal draft of the report could be finished by the team in the middle or third week of November. The final version of the report would be submitted to the USAID on December 15, 2002.
11. Lulu of the USAID Contracts Office said that contracts could be extended for 60 days without the need for re-drafting. She said that the extension being requested by the GOLD Assessment Team is covered by the sixty-day period, therefore, no additional documentation for the extension is needed by the group.
12. The team presented the draft Training Assessment Questionnaire. It was approved by the USAID officers.

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## **APPENDIX 8**

### **BJSS ASSESSMENT**

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#### **FOCUS GROUP DISCUSSION FOR INSTITUTIONAL ASSESSMENT**

#### **OCTOBER 21, 2002, C2 CAFÉ, MAKATI CITY**

#### **INTERVIEWEES:**

Rosello Macansantos – SOPREX, MSU-IIT  
Dean Nabinah Noni L. Lao – MSU Marawi  
Cora Gumba – Ateneo de Davao  
Agnes Villaruz – Gerry Roxas Foundation  
Raquel Olandia – Gerry Roxas Foundation

#### **INTERVIEWERS:**

Richard Blue – Development Associates  
Noel Leyco – Center for Legislative Development  
Agnes Devanadera – Center for Legislative Development  
Fidel Bautista – Center for Legislative Development

#### *Notes from the discussion:*

Rosello Macansantos of SOPREX was the first to arrive for the interview. Cora Gumba of Ateneo de Davao, Dean Noni Lao of Mindanao State University in Marawi and Raquel Olandia of the Gerry Roxas Foundation appeared next. Annie Villaruz was the last person to arrive.

#### **ROSELLO MACANSANTOS' SHARING:**

1. SOPREX is a joint undertaking between senior faculty of MSU Iligan. It is a technical NGO type foundation.
2. SOPREX took on the BJSS Project because they saw it as an opportunity to establish closer linkages to the countryside and to raise revenues. USAID has tapped the organization for the ARD/GOLD Project and the Indefinite Quantity Contract.
3. SOPREX staff underwent training before they provided services to the barangays.
4. SOPREX has other activities but the GOLD Project is a major activity.
5. MSU Iligan has no law school and no public administration school. Macansantos believes that there is no need for backup of a college institution to implement the BJSS Project.
6. He added that the knowledge of law may not be relevant at all because the more pressing problems are the problems of language because books on law are mostly in English which many of their trainees are not fluent with.
7. The trainers they get are local people who have capability for translation of materials. These trainers translate materials when they go to the field.
8. SOPREX moves away from materials developed by the GRF when they do trainings.

9. Materials required by the communities in the coastal areas are different from the ones needed by those in the upland area because of varying constitution of communities in the said areas.
10. SOPREX has incorporated some aspects of the Shari'a Law for training in Maranao communities.
11. Macansantos also added that they get reactions from the Muslim communities regarding the USAID backing the BJSS project. There is a suspicion among some people in the ARMM that the CIA may have something to do with the project.
12. He said that there is less suspicion among Christian communities.
13. Macansantos also added that there is a struggle for leadership in the communities between the *ulama*, the young leaders in the communities who were schooled in Islamic universities, and the local *imam* or the older generation of community leaders.

***Noni Lao shared the following:***

1. The barangay set-up in Mindanao has become necessary for the internal revenue allotment (IRA) but it has no institutional presence.
2. The barangay has not been able to deliver basic services in Moro communities.
3. Barangays only serve as political machinery to collect votes.
4. Three laws are observed in Islamic communities:
  - a. the *igma* (people's consensus) – in the Islam society the *agama* or the traditional court serves as the alternative to the barangay system
  - b. the Shari'a Law
  - c. the government law

There is a struggle among the three when it comes to implementation. Most people submit cases to the traditional law, Shari'a law is second priority, and state law is the third priority.

5. In Muslim communities, the elders remain the authority figures.
6. The barangay set-up is not sufficient to replace the traditional set-up for conflict resolution. The sultans and datus are still the ones who handle conflicts in the communities.
7. In most cases, the barangay officials are perceived as cohorts of the municipal officials and the national officials.
8. Trainers from the MSU Marawi translate training materials given to them by the GRF in the vernacular.
9. The training design prescribed in the materials work for the Christian communities because Christians are used to the Constitutional law.
10. The DILG neglected their function to educate people about and train people to handle the Katarungang Pambarangay for the last ten years.
11. In the trainings they have conducted, they found out that participants did not know about their governments, their rights and the Katarungang Pambarangay.
12. LGUs simply focus on the Constitutional law while the BJSS Project involved citizen volunteers, conflict resolution and counseling.
13. The BJSS is not simply about reducing the load of the courts, it also functions to reduce the load of barangay captains in terms of cases being handled in the Katarungang Pambarangay through the BJAs.
14. Each *agama* in Muslim communities has established laws implemented exclusively to each community. Communities are federated.
15. BJAs from the women sector are influential in the barangays.

***According to Rocky Olandia:***

1. The Consortium has a plan to draft a module on culture-based mediation.
2. The implementation of the traditional law is not implemented. People subscribe to it through the *word of honor*.

***Further discussion:***

***On the overlap of function of the BJAs and the KP members:***

The BJAs are the good people in the community. BJSS declogs the court, BJAs declogs the KP. Although there is an initial resistance due to overlap of functions, the barangay captains eventually appreciate the BJAs because through the latter's help, the barangay captains are able to have more time for governance.

**CREDIBILITY OF THE BJAS**

BJAs are credible personalities in their communities. People believe that BJAs are service-oriented people. Some BJAs have been recently elected as barangay captains; one was elected as mayor. Some BJAs are former MNLF members who join the barangay and perceived as peace and development advocates in the community.

**EFFECT OF THE BJSS TRAINING:**

Due to exposure, BJAs get to learn more about the things that they have to do in their communities.

***Benefits gained from the USAID investment:***

People who were trained start to believe on the things that they can do for their communities. BJAs become agents of change for the community. BJAs function not only as educators but also as watchdogs in the barangays.

***Instances wherein BJAs go against the Lupon:***

Fiscals in the municipalities endorse the BJAs. Communities have faith in the integrity of the BJAs regardless of educational attainment.

***On BJSS handling cases outside of its jurisdiction:***

Peace is contracted as long as parties agree.

***Feedback from DOJ on KP handling cases out of its jurisdiction:***

The traditional law can settle all kinds of cases. City fiscals do not say anything about it. The peace pact (igma) seals everything including the mouth of everyone who knows about the case. There can be no case pursued in courts a when there are no witnesses to the case.

In Maranao communities, everybody respects the decision of elders. There is no repudiation of the decision. Parties are reconciled without adjudication.

**STATUS OF THE BJAS:**

Cases that are not resolved through the mediation of the BJAs are referred to the KP. Parties who go to the BJAs always have the option to proceed to the courts.

**ESSENCE OF THE BJSS:**

The BJSS addresses access issue to justice and harmony issue in the communities. It is these context that the BJAs have been received. The KP and the DILG have not been functioning in the communities till the BJSS Project.

**ESTIMATE ABOUT THE SAVINGS:**

It is quite inaccurate but the more important benefit gained from the BJSS is that it presents a venue where people can seek justice.

**CONSORTIUM'S RECORD-KEEPING PROCEDURE:**

There is no system yet to count the reduction of cases brought to the barangay because of the BJAs. There are plans to institutionalize documentation in the future.

**PNP'S STATISTICS:**

PNP has different categories used in the classification of crimes. PNP records may not reflect effects of the BJSS Project.

**CONFLICTS BETWEEN EXISTING LAWS:**

There has been no conflict so far between the Shari'a law and the government law when it comes to implementation. The traditional law is not codified but it is respected.

**MAJOR SOURCE OF CONFLICT IN MINDANAO:**

Land rights! Which the KP cannot resolve.

**TYPE OF INTERACTION AMONG CLGS:**

CLGs in the Consortium share resources, documents and materials (e.g. workplan). They share in the curriculum development. CLGs give feedback to the GRF about the curriculum. CLGs treat each other as members of a family with GRF as the mother. The Consortium exists not just for BJSS but for other governance related activities as well.

**ON USAID TAPPING THE GRF AS CONDUIT FOR IMPLEMENTING BJSS IN MINDANAO:**

GRF appears to be the best partner for the CLGs to implement BJSS in Mindanao due to the former's experience with it in the Visayas. However, the GRF needs the Mindanao CLGs more than the latter needs GRF in order to implement BJSS in Mindanao.

**HOW THE CLGS PERCEIVE THE CONSORTIUM:**

The Consortium aspires for synergy. CLGs share equal footing within the Consortium. Service contracts among them indicate deliverable other than prescribed paradigms, ways of working, etc. CLG join together for other projects apart from the BJSS. They plan to further strengthen the Consortium by putting up a website and by getting together more often.

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## **APPENDIX 9**

### **INTERVIEWEES FOR THE BJSS ASSESSMENT**

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#### **I. FOR THE INSTITUTIONAL ASSESSMENT**

1. Rosello Macansantos – SOPREX, MSU-IIT
2. Dean Nabinah Noni L. Lao – MSU Marawi
3. Cora Gumba – Ateneo de Davao
4. Agnes Villaruz – Gerry Roxas Foundation
5. Raquel Olandia – Gerry Roxas Foundation

#### **II. FOR THE BJSS TRAINING ASSESSMENT**

1. 107 BJA and Lupon member respondents for the BJSS Training Assessment Questionnaires from Lanao del Sur, Lanao del Norte, and Davao.
2. 10 workshop groups consist of the BJAs and Lupon members mentioned above.

#### **III. FOR THE LEGAL ASSESSMENT OF THE BJSS**

##### **A. PROSECUTORS, DEPARTMENT OF JUSTICE**

1. Ruben L. Pasamonte, Prosecutor III, Davao del Norte
2. Jerry A. Garcia, Prosecutor II, Davao del Norte
3. Matias T. Aquiatan, Prosecutor II, Davao del Norte
4. Oscar S. Aquino, MTC Judge, Island Garden City of Samal

##### **B. POLICE OFFICERS, PNP**

1. Romeo Young, Police Senior Inspector, Malalag
2. Eduardo Reyes, Police Superintendent, Samal
3. Alberto Lupaz, Police Senior Inspector, Monkayo
4. Romeo S. Jardonico, Regional Director

##### **C. DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT**

1. Romeo S. Jardenico, Regional Director
2. Jessica Itil, DILG MLGOO, Davao Oriental
3. Walter Sumoso, DILG Assistant CLGOO, Samal Island

##### **D. LOCAL GOVERNMENT ACADEMY**

1. Danny Lumapas, LGA Regional Coordinator
2. Ma. Liza Laus, LGA Technical Assistant
3. Corazon Importante, LGA Technical Assistance

**E. CORA GUMBA, CLG COORDINATOR**

**IV. FOR THE AREA STUDY**

1. Dean Nabinah Noni Lao
2. Dr. Macabankit Ati
3. Barangay Justice Advocates including a former Barangay Captain of Brgy. Maria Cristina, Lanao del Norte
4. Barangay Captain of Brgy. Saray, Lanao del Norte
5. Barangay Captain of Brgy. Mandulog, Lanao del Sur

**V. MARIA CRISTINA PINEDA, SENIOR PROGRAM OFFICER, CIDA FOR FEEDBACK ON THE USAID'S BJSS PROJECT**