

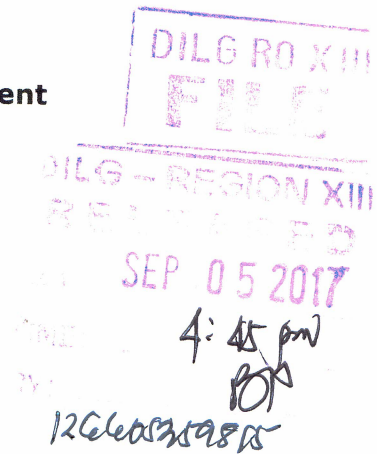


Republic of the Philippines
Department of the Interior and Local Government
Region 13 (Caraga)

August 30, 2017

RYAN D. ASIS
Barangay Secretary
Poblacion, Trento,
Agusan del Sur

file



Dear Mr. Asis:

This refers to your email dated August 27, 2017 soliciting the opinion of this office whether or not the issuance of INVITATION instead of SUMMONS is correct under the Katarungang Pambarangay (KP).

Section 410 of the Revised Katarungang Pambarangay Law states:

Section 410. PROCEDURE FOR AMICABLE SETTLEMENT -

[a] Who may initiate proceeding - Upon payment of the appropriate filing fee, 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 of the barangay.

*[b] Mediation by the lupon chairman - Upon receipt of the complaint, the lupon chairman shall within the next working day, **summon** the respondent(s), with notice to the complainant(s) for them and their witnesses to appear before him for a mediation of their conflicting interests. If he fails in his mediation effort within fifteen (15) days from the first meeting of the parties before him, he shall forthwith set a date for the constitution of the pangkat in accordance with the provisions of this Chapter.*

[c] xxx

*[d] Issuance of summons; hearing, grounds of disqualification - The pangkat shall convene not later than three (3) days from its constitution on the day and hour set by the lupon chairman, to hear both parties and their witnesses, simplify issues and explore all possibilities for amicable settlement. For this purpose, the pangkat may issue **summons** for the personal appearance of parties and witnesses before it. xxx*

[e] xxx (Emphasis supplied)

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As can be clearly read from the above provisions, the lupon summons (used as a verb) and the pangkat may issue summons (used as a noun). The legal term for the colloquial expression "invitation" as used in KP is "summons"; thus, in the KP Forms, the term used is SUMMONS.

We understand that the lupon or pangkat is more inclined to use the friendly term "invitation" instead of the legalistic term "summons". It may not even be important whether the term "invitation" or "summons" is used, as long as the intended result is reached, i.e., to settle amicably cases and de-clog court dockets.

However, we encourage all barangays to use the proper term - SUMMONS - as provided for in the Katarungang Pambarangay Law.

We hope to have satisfactorily addressed your concern.

This opinion is rendered without prejudice to any contrary decision or opinion of competent higher authorities and the courts.

Thank you and God bless!

Truly yours,


LILIBETH A. FAMACION, CESO III
Regional Director 

cc: PD Arleen Ann R. Sanchez } 126605259825
MLGOO Mary Nol Aban

/amg dlo 2017-015

"Matino, Mahusay at Maaasahan"

1559 Matimco Bldg., Km. 4 Libertad, Butuan City
Tel. Nos.: (085) 342-2134, 341-1976, 342-2045

Email Address: official@caraga.dilg.gov.ph
Website: www.caraga.dilg.gov.ph