



Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
REGION XIII (Caraga Region)
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**DILG RO XIII
 FILE**

DILG-13 OPINION NO. 25
 August 28, 2012

Atty. JOHN GIL S. UNAY, SR.
 Unay Law Office
 227 Fernandez Homesite
 Libertad, Butuan City

**DILG - REGION XIII
 RELEASED**
 DATE: AUG 28 2012
 TIME: 4:38
 BY: [Signature]

Dear Atty. Unay:

This refers to your queries which if taken collectively pertain only to the issue on whether the duty of barangay to issue certification to file action is discretionary or ministerial.

Please be informed that failure of the Pangkat to settle the dispute would call for the issuance of the certification to file action, which is a ministerial duty of the Lupon or Pangkat Secretary, as the case may be (*DOJ Opinion No. 31 and No. 88, s, 1981 cited in De Castro, Katarungang Pambarangay Digest and Annotation, 1993, p. 241*). If the Lupon or Pangkat refused and still refuses to issue, they can be compelled through mandamus pursuant to Section 3, Rule 65, of the Rules of Court without prejudice to an administrative case that may be filed against them.

We hope to have clarified you on this matter.

Very truly yours,

[Signature]
LILIBETH A. FAMACION, CESO IV
 OIC-Regional Director

9/6/12
 [Signature]