




KATARUNGANG PAMBARANGAY



CIVIL CASES




Generally, all disputes are subject to Barangay conciliation pursuant to the Revised Katarungang Pambarangay Law, except:




1. Where one party is the government, or any subdivision or instrumentality thereof;

2. Where one party is a public officer or employee and the dispute relates to the performance of his official functions;




3. Where the dispute involves real properties located in different cities and municipalities, unless the parties thereto agree to submit their difference to amicable settlement by an appropriate Lupon;

4. Any complaint by or against corporations, partnerships or juridical entities, since only individuals shall be parties to Barangay conciliation proceedings either as complainants or respondents;



5. Disputes involving parties who actually reside in barangays of different cities or municipalities, except where such barangay units adjoin each other and the parties thereto agree to submit their differences to amicable settlement by an appropriate Lupon;




6. Offenses for which the law prescribes a maximum penalty of imprisonment exceeding one [1] year or a fine of over five thousand pesos (P5,000.00);

7. Offenses where there is no private offended party;

8. Disputes where urgent legal action is necessary to prevent injustice from being committed or further continued, specifically the following:


[a] Criminal cases where accused is under police custody or detention;

[b] Petitions for habeas corpus by a person illegally deprived of his rightful custody over another or a person illegally deprived of or on acting in his behalf;




[c] Actions coupled with provisional remedies such as preliminary injunction, attachment, delivery of personal property and support during the pendency of the action; and,

[d] Actions which may be barred by the Statute of Limitations.




9. Any class of disputes which the President may determine in the interest of justice or upon the recommendation of the Secretary of Justice;

10. Where the dispute arises from the Comprehensive Agrarian Reform Law (CARL);




11. Labor disputes or controversies arising from employer-employee relations; and,


12. Actions to annul judgment upon a compromise which may be filed directly in court.



JURISDICTION OF LUPONG TAGAPAMAYAPA




Criminal cases covered by the Katarungang Pambarangay



Revised Penal Code




Public Disorders



ARTICLE 154. Unlawful use of means of publication and unlawful utterances. — The penalty of *arresto mayor* and a fine ranging from P200 to P1,000 pesos shall be imposed upon:

1. Any person who by means of printing, lithography, or any other means of publication shall publish or cause to be published as news any false news which may endanger the public order, or cause damage to the interest or credit of the State;




2. Any person who by the same means, or by words, utterances or speeches, shall encourage disobedience to the law or to the constituted authorities or praise, justify, or extol any act punished by law;

3. Any person who shall maliciously publish or cause to be published any official resolution or document without proper authority, or before they have been published officially; or

4. Any person who shall print, publish, or distribute or cause to be printed, published, or distributed books, pamphlets, periodicals, or leaflets which do not bear the real printer's name, or which are classified as anonymous.


ARTICLE 155. Alarms and scandals. —
The penalty of *arresto menor* or a fine not exceeding P200 pesos shall be imposed upon:

1. Any person who within any town or public place, shall discharge any firearm, rocket, firecracker, or other explosives calculated to cause alarm or danger;




2. Any person who shall instigate or take an active part in any charivari or other disorderly meeting offensive to another or prejudicial to public tranquility;

3. Any person who, while wandering about at night or while engaged in any other nocturnal amusements, shall disturb the public peace; or




4. Any person who, while intoxicated or otherwise, shall cause any disturbance or scandal in public places, provided that the circumstances of the case shall not make the provisions of Article 153 applicable.




Falsification of medical
certificates, certificates of
merit or services and the like

ARTICLE 174. False medical certificates, false certificates of merits or service, etc. — The penalties of *arresto mayor* in its maximum period to *prision correccional* in its minimum period and a fine not to exceed 1,000 pesos shall be imposed upon:

1. Any physician or surgeon who, in connection, with the practice of his profession, shall issue a false certificate; and
2. Any public officer who shall issue a false certificate of merit or service, good conduct or similar circumstances.



The penalty of *arresto mayor* shall be imposed upon **any private person** who shall falsify a certificate falling within the classes mentioned in the two preceding subdivisions.




ARTICLE 175. Using false certificates.
— The penalty of *arresto menor* shall be imposed upon any one who shall knowingly use any of the false certificates mentioned in the next preceding Article.



Usurpation of authority, rank,
title, and improper use of
names, uniforms and insignia

ARTICLE 178. Using fictitious name and concealing true name. —

The penalty of *arresto mayor* and a fine not to exceed 500 pesos shall be imposed upon any person who shall publicly use a fictitious name for the purpose of concealing a crime, evading the execution of a judgment or causing damage.




Any person who conceals his true name and other personal circumstances shall be punished by *arresto menor* or a fine not to exceed 200 pesos.

ARTICLE 179. Illegal use of uniforms or insignia. — The penalty of *arresto mayor* shall be imposed upon any person who shall publicly and improperly make use of insignia, uniforms or dress pertaining to an office not held by such person or to a class of persons of which he is not a member.



Crimes Against Persons


ARTICLE 252. Physical injuries inflicted in a tumultuous affray. — When in a tumultuous affray as referred to in the preceding Article, only serious physical injuries are inflicted upon the participants thereof and the person responsible thereof cannot be identified, all those who appear to have used violence upon the person of the offended party shall suffer the penalty next lower in degree than that provided for the physical injuries so inflicted.



When the physical injuries inflicted are of a less serious nature and the person responsible therefor cannot be identified, all those who appear to have used any violence upon the person of the offended party shall be punished by *arresto menor* from five to fifteen days.


ARTICLE 253. Giving assistance to suicide.

— Any person who shall assist another to commit suicide shall suffer the penalty of *prision mayor*; if such person lends his assistance to another to the extent of doing the killing himself, he shall suffer the penalty of *reclusion temporal*. However, if the suicide is not consummated, the penalty of *arresto mayor* in its medium and maximum periods, shall be imposed.




ARTICLE 260. Responsibility of participants in a duel. — The penalty of *reclusion temporal* shall be imposed upon any person who shall kill his adversary in a duel.

If he shall inflict upon the latter physical injuries only, he shall suffer the penalty provided therefor, according to their nature.




In any other case, the combatants shall suffer the penalty of *arresto mayor*, although no physical injuries have been inflicted.

The seconds shall in all events be punished as accomplices.



ARTICLE 265. Less serious physical injuries. — Any person who shall inflict upon another physical injuries not described in the preceding Articles, but which shall incapacitate the offended party for labor for ten days or more, or shall require medical attendance for the same period, shall be guilty of less serious physical injuries and shall suffer the penalty of *arresto mayor*.



Whenever less serious physical injuries shall have been inflicted with the manifest intent to insult or offend the injured person, or under circumstances adding ignominy to the offense, in addition to the penalty of *arresto mayor*, a fine not exceeding 500 pesos shall be imposed.

crime of assault upon such person.

ARTICLE 266. Slight physical injuries and maltreatment. — The crime of slight physical injuries shall be punished:


1. By *arresto menor* when the offender has inflicted physical injuries which shall incapacitate the offended party for labor from one to nine days, or shall require medical attendance during the same period.

2. By *arresto menor* or a fine not exceeding 20 pesos and censure when the offender has caused physical injuries which do not prevent the offended party from engaging in his habitual work nor require medical assistance.

3. By *arresto menor* in its minimum period or a fine not exceeding 50 pesos when the offender shall ill-treat another by deed without causing any injury.



Crimes Against Personal Liberty and Security



ARTICLE 269. Unlawful arrest. — The penalty of *arresto mayor* and a fine not exceeding 500 pesos shall be imposed upon any person who, in any case other than those authorized by law, or without reasonable ground therefor, shall arrest or detain another for the purpose of delivering him to the proper authorities.



Abandonment of helpless persons and exploitation of minors

ARTICLE 271. Inducing a minor to abandon his home. — The penalty of *presion correccional* and a fine not exceeding 700 pesos shall be imposed upon anyone who shall induce a minor to abandon the home of his parents or guardians or the persons entrusted with his custody.


If the person committing any of the crimes covered by the two preceding Articles shall be the father or the mother of the minor, the penalty shall be *arresto mayor* or a fine not exceeding 300 pesos, or both.

ARTICLE 275. Abandonment of persons in danger and abandonment of one's own victim. — The penalty of *arresto mayor* shall be imposed upon:

1. Any one who shall fail to render assistance to any person whom he shall find in an uninhabited place wounded or in danger of dying, when he can render such assistance without detriment to himself, unless such omission shall constitute a more serious offense.


2. Anyone who shall fail to help or render assistance to another whom he has accidentally wounded or injured;

3. Anyone who, having found an abandoned child under seven years of age, shall fail to deliver said child to the authorities or to his family, or shall fail to take him to a safe place.



ARTICLE 276. Abandoning a minor. —
The penalty of *arresto mayor* and a fine not exceeding 500 pesos shall be imposed upon any one who shall abandon a child under seven years of age, the custody of which is incumbent upon him.

ARTICLE 277. Abandonment of minor by person entrusted with his custody; indifference of parents. — The penalty of *arresto mayor* and a fine not exceeding 500 pesos shall be imposed upon anyone who, having charge of the rearing or education of a minor, shall deliver said minor to a public institution or other persons, without the consent of the one who entrusted such child to his care or in the absence of the latter, without the consent of the proper authorities.



The same penalty shall be imposed upon the parents who shall neglect their children by not giving them the education which their station in life require and financial condition permit.

Trespass to Dwelling

ARTICLE 280. Qualified trespass to dwelling.
— Any private person who shall enter the dwelling of another against the latter's will shall be punished by *arresto mayor* and a fine not exceeding 1,000 pesos.


If the offense be committed by means of violence or intimidation, the penalty shall be *prision correccional* in its medium and maximum periods and a fine not exceeding 1,000 pesos.

The provisions of this Article shall not be applicable to any person who shall enter another's dwelling for the purpose of preventing some serious harm to himself, the occupants of the dwelling or a third person, nor shall it be applicable to any person who shall enter a dwelling for the purpose of rendering some service to humanity or justice, nor to anyone who shall enter cafes, taverns, inn and other public houses, while the same are open.

ARTICLE 281. Other forms of trespass. —
The penalty of *arresto menor* or a fine not exceeding 200 pesos, or both, shall be imposed upon any person who shall enter the closed premises or the fenced estate of another, while either of them are uninhabited, if the prohibition to enter be manifest and the trespasser has not secured the permission of the owner or the caretaker thereof.



Threats and Coercion



ARTICLE 283. Light threats. — A threat to commit a wrong not constituting a crime, made in the manner expressed in subdivision 1 of the next preceding Article, shall be punished by *arresto mayor*.

ARTICLE 285. Other light threats. — The penalty of *arresto menor* in its minimum period or a fine not exceeding 200 pesos shall be imposed upon:

1. Any person who, without being included in the provisions of the next preceding Article, shall threaten another with a weapon or draw such weapon in a quarrel, unless it be in lawful self-defense.

2. Any person who, in the heat of anger, shall orally threaten another with some harm not constituting a crime, and who by subsequent acts show that he did not persist in the idea involved in his threat, provided that the circumstances of the offense shall not bring it within the provisions of Article 282 of this Code.


3. Any person who shall orally threaten to do another any harm not constituting a felony.

ARTICLE 286. Grave coercions. — The penalty of *arresto mayor* and a fine not exceeding 500 pesos shall be imposed upon any person who, without authority of law, shall, by means of violence, prevent another from doing something not prohibited by law, or compel him to do something against his will, whether it be right or wrong.


If the coercion be committed for the purpose of compelling another to perform any religious act or to prevent him from so doing, the penalty next higher in degree shall be imposed.

ARTICLE 287. Light coercions. — Any person who, by means of violence, shall seize anything belonging to his debtor for the purpose of applying the same to the payment of the debt, shall suffer the penalty of *arresto mayor* in its minimum period and a fine equivalent to the value of the thing, but in no case less than 75 pesos.


Any other coercions or unjust vexations shall be punished by *arresto menor* or a fine ranging from 5 to 200 pesos, or both.



ARTICLE 288. Other similar coercions. —
(Compulsory purchase of merchandise and payment of wages by means of tokens). — The penalty of *arresto mayor* or a fine ranging from 200 to 500 pesos, or both, shall be imposed upon any person, agent or officer, of any association or corporation who shall force or compel, directly or indirectly, or shall knowingly permit any laborer or employee employed by him or by such firm or corporation to be forced or compelled, to purchase merchandise or commodities of any kind.



The same penalties shall be imposed upon any person who shall pay the wages due a laborer or employee employed by him, by means of tokens or objects other than the legal tender currency of the Philippine Islands, unless expressly requested by the laborer or employee.




ARTICLE 289. Formation, maintenance and prohibition of combination of capital or labor through violence or threats. — The penalty of *arresto mayor* and a fine not exceeding 300 pesos shall be imposed upon any person who, for the purpose of organizing, maintaining or preventing coalitions of capital or labor, strike of laborers or lock-out of employees, shall employ violence or threats in such a degree as to compel or force the laborers or employers in the free and legal exercise of their industry or work, if the act shall not constitute a more serious offense in accordance with the provisions of this Code.




Discovery and Revelation of Secrets

ARTICLE 290. Discovering secrets through seizure of correspondence. — The penalty of *prision correccional* in its minimum and medium periods and a fine not exceeding 500 pesos shall be imposed upon any private individual who in order to discover secrets of another, shall seize his papers or letters and reveal the contents thereof.

If the offender shall not reveal such secrets, the penalty shall be *arresto mayor* and a fine not exceeding 500 pesos.



This provision shall not be applicable to parents, guardians, or persons entrusted with the custody of minors with respect to the papers or letters of the children or minors placed under their care or custody, nor to spouses with respect to the papers or letters of either of them.



ARTICLE 291. Revealing secrets with abuse of office. — The penalty of *arresto mayor* and a fine not exceeding 500 pesos shall be imposed upon any manager, employee, or servant who, in such capacity, shall learn the secrets of his principal or master and shall reveal such secrets.



Crimes Against Property

ARTICLE 309. Penalties. — Any person guilty of theft shall be punished by:


X x x

5. *Arresto mayor* to its full extent, if such value is over 500 pesos but does not exceed 5,000 pesos.

6. *Arresto mayor* in its minimum and medium periods, if such value does not exceed 500 pesos.

7. *Arresto menor* or a fine not exceeding 20,000 pesos, if the theft is committed under the circumstances enumerated in Paragraph 3 of the next preceding Article and the value of the thing stolen does not exceed 500 pesos.

If such value exceeds said amount, the provisions of any of the five preceding subdivisions shall be made applicable.




8. *Arresto menor* in its minimum period or a fine not exceeding 5,000 pesos, when the value of the thing stolen is not over 500 pesos, and the offender shall have acted under the impulse of hunger, poverty, or the difficulty of earning a livelihood for the support of himself or his family.

ARTICLE 311. Theft of the property of the National Library and National Museum. — If the property stolen be any property of the National Library or of the National Museum, the penalty shall be *arresto mayor* or a fine ranging from 40,000 to 100,000 pesos, or both, unless a higher penalty should be provided under other provisions of this Code, in which case, the offender shall be punished by such higher penalty.

Usurpation

ARTICLE 312. Occupation of real property of usurpation of real rights in property. — Any person who, by means of violence against or intimidation of persons, shall take possession of any real property or shall usurp any real rights in property belonging to another, in addition to the penalty incurred for the acts of violence executed by him, shall be punished by a fine from 50 to 100 per centum of the gain which he shall have obtained, but not less than 15,000 pesos.

If the value of the gain cannot be ascertained, a fine of from 40,000 to 100,000 pesos shall be imposed.



ARTICLE 313. Altering boundaries or landmarks. — Any person who shall alter the boundary marks or monuments of towns, provinces, or estates, or any other marks intended to designate the boundaries of the same, shall be punished by *arresto menor* or a fine not exceeding 20,000 pesos, or both.



Swindling and Other Deceits


ARTICLE 315. Swindling (Estafa). — Any person who shall defraud another by any of the means mentioned hereinbelow shall be punished by:

X x x

4th. By *arresto mayor* in its medium and maximum periods, if such amount does not exceed 200 pesos, provided that in the four cases mentioned, the fraud be committed by any of the following means: x x x

ARTICLE 316. Other forms of swindling. —
The penalty of *arresto mayor* in its minimum and medium periods and a fine of not less than the value of the damage caused and not more than three times such value, shall be imposed upon:

1. Any person who, pretending to be owner of any real property, shall convey, sell, encumber or mortgage the same.



2. Any person, who, knowing that real property is encumbered, shall dispose of the same, although such encumbrance be not recorded.


3. The owner of any personal property who shall wrongfully take it from its lawful possessor, to the prejudice of the latter or any third person.

4. Any person who, to the prejudice of another, shall execute any fictitious contract.

5. Any person who shall accept any compensation given him under the belief that it was in payment of services rendered or labor performed by him, when in fact he did not actually perform such services or labor.

6. Any person who, while being a surety **in** a bond given in a criminal or civil action, without express authority from the court or before the cancellation of his bond or before being relieved from the obligation contracted by him, shall sell, mortgage, or, in any other manner, encumber the real property or properties with which he guaranteed the fulfillment of such obligation.


ARTICLE 317. Swindling a minor. — Any person who taking advantage of the inexperience or emotions or feelings of a minor, to his detriment, shall induce him to assume any obligation or to give any release or execute a transfer of any property right in consideration of some loan of money, credit or other personal property, whether the loan clearly appears in the document or is shown in any other form, shall suffer the penalty of *arresto mayor* and a fine of a sum ranging from 10 to 50 per cent of the value of the obligation contracted by the minor.



ARTICLE 318. Other deceits. — The penalty of *arresto mayor* and a fine of not less than the amount of the damage caused and not more than twice such amount shall be imposed upon any person who shall defraud or damage another by any other deceit not mentioned in the preceding Articles of this chapter.


Any person who, for profit or gain, shall interpret dreams, make forecasts, tell fortunes, or take advantage of the credulity of the public in any other similar manner, shall suffer the penalty of *arresto menor* or a fine not exceeding 200 pesos.

Chattel Mortgage



ARTICLE 319. Removal, sale or pledge of mortgaged property. — The penalty or *arresto mayor* or a fine amounting to twice the value of the property shall be imposed upon:


1. Any person who shall knowingly remove any personal property mortgaged under the Chattel Mortgage Law to any province or city other than the one in which it was located at the time of the execution of the mortgage, without the written consent of the mortgagee, or his executors, administrators or assigns.



2. Any mortgagor who shall sell or pledge personal property already pledged, or any part thereof, under the terms of the Chattel Mortgage Law, without the consent of the mortgagee written on the back of the mortgage and noted on the record thereof in the office of the register of deeds of the province where such property is located.



Malicious Mischief



ARTICLE 328. Special cases of malicious mischief . — Any person who shall cause damage to obstruct the performance of public functions, or using any poisonous or corrosive substance; or spreading any infection or contagion among cattle; or who cause damage to the property of the National Museum or National Library, or to any archive or registry, waterworks, road, promenade, or any other thing used in common by the public, shall be punished:

X x x


2. By *arresto mayor*, if such value does not exceed the abovementioned amount (1,000) but it is over 200 pesos; and

3. By *arresto menor*, if such value does not exceed 200 pesos.


ARTICLE 329. Other mischiefs. — The mischiefs not included in the next preceding Article shall be punished:

1. By *arresto mayor* in its medium and maximum periods, if the value of the damage caused exceeds 1,000 pesos;
2. By *arresto mayor* in its minimum and medium periods, if such value is over 200 pesos but does not exceed 1,000 pesos; and
3. By *arresto menor* or fine of not less than the value of the damage caused and not more than 200 pesos, if the amount involved does not exceed 200 pesos or cannot be estimated.

Seduction



ARTICLE 338. Simple seduction. —
The seduction of a woman who is
single or a widow of good reputation,
over twelve but under eighteen years
of age, committed by means of deceit,
shall be punished by *arresto mayor*.



ARTICLE 339. Acts of lasciviousness with the consent of the offended party.
— The penalty of *arresto mayor* shall be imposed to punish any other acts of lasciviousness committed by the same persons and the same circumstances as those provided in Articles 337 and 338.




Crimes Against Honor

ARTICLE 356. Threatening to publish and offer to prevent such publication for a compensation. — The penalty of *arresto mayor* or a fine from 200 to 2,000 pesos, or both, shall be imposed upon any person who threatens another to publish a libel concerning him or the parents, spouse, child, or other members of the family of the latter, or upon anyone who shall offer to prevent the publication of such libel for a compensation or money consideration.


ARTICLE 357. Prohibited publication of acts referred to in the course of official proceedings. — The penalty of *arresto mayor* or a fine of from 200 to 2,000 pesos, or both, shall be imposed upon any reporter, editor or manager of a newspaper, daily or magazine, who shall publish facts connected with the private life of another and offensive to the honor, virtue and reputation of said person, even though said publication be made in connection with or under the pretext that it is necessary in the narration of any judicial or administrative proceedings wherein such facts have been mentioned.



Incriminatory Machinations




ARTICLE 363. Incriminating innocent person. — Any person who, by any act not constituting perjury, shall directly incriminate or impute to an innocent person the commission of a crime, shall be punished by *arresto mayor*.




ARTICLE 364. Intriguing against honor. — The penalty of *arresto menor* or fine not exceeding 200 pesos shall be imposed for any intrigue which has for its principal purpose to blemish the honor or reputation of a person.

Criminal Negligence


ARTICLE 365. Imprudence and negligence. — Any person who, by reckless imprudence, shall commit any act which, had it been intentional, would constitute a grave felony, shall suffer the penalty of *arresto mayor* in its maximum period to *prision correccional* in its medium period; if it would have constituted a less grave felony, the penalty of *arresto mayor* in its minimum and medium periods shall be imposed; if it would have constituted a light felony, the penalty of *arresto menor* in its maximum period shall be imposed.



Any person who, by simple imprudence or negligence, shall commit an act which would otherwise constitute a grave felony, shall suffer the penalty of *arresto mayor* in its medium and maximum periods; if it would have constituted a less serious felony, the penalty of *arresto mayor* in its minimum period shall be imposed.



When the execution of the act covered by this Article shall have only resulted in damage to the property of another, the offender shall be punished by a fine ranging from an amount equal to the value of said damages to three times such value, but which shall in no case be less than 25 pesos.



A fine not exceeding 200 pesos and censure shall be imposed upon any person who, by simple imprudence or negligence, shall cause some wrong which, if done maliciously, would have constituted a light felony.