



**EXECUTIVE COMMITTEE**

**Resolution No. 001**

**Series of 2011**

**GUIDELINES ON CONCILIATION PROCEEDINGS  
AND LEGAL ASSISTANCE**

WHEREAS, the cases filed before the HLURB have grown in increasing number that there is a need to encourage parties to settle cases amicably;

WHEREAS, conciliation proceedings conducted by the HLURB provides for an avenue to amicably settle under the jurisdiction of the HLURB and thus, minimize the dockets of the HLURB;

WHEREAS, the HLURB is steadfast in its duty to provide legal guidance/assistance to indigent litigants without lawyers;

WHEREAS, the HLURB is in the process of adopting the 2011 Revised Rules of Procedure and is committed to harmonize all processes and proceedings;

RESOLVED, that the HLURB adopt the following guidelines on conciliation proceedings and legal assistance of the HLURB.

**RULE 1**

**TITLE**

Sec. 1. This Rule shall be known as the "HLURB Guidelines on Conciliation of 2011."

## RULE 2

### CONCILIATION PROCEEDINGS

Sec. 2. Conciliation Proceedings - Conciliation is an alternative mode of settling disputes whereby parties to a dispute without a verified complaint allow a third party, called the conciliator, to conduct conciliation proceedings in order for the parties to arrive at an amicable settlement.

Sec 3. Conduct of Conciliation – The conduct of conciliation proceedings may be availed of by any party to a dispute requesting for assistance prior to the filing and hearing of a formal complaint upon receipt of a written request for conciliation. Such request shall be assigned to a conciliator by the Legal Services Group Head or Regional Field Office Technical Division Head, depending on where the request was filed.

The Regional Officer may act as conciliator himself as the circumstances may warrant.

A conciliation conference may be called at the instance of the LSG or Technical Head concerned, if he/she deems the same to be appropriate or necessary.

Sec 4. Voluntary Nature – The option to conciliate shall be voluntary among the parties.

Sec 5. Commencement –A conciliation proceeding commences when a request is filed in four (4) copies, after service in person or by registered mail to the respondent, as the case may be, of the notice to undergo conciliation proceedings together with the copy of the request. The respondent can comply either by personal appearance or through an authorized representative, or by tender of written reply or comments on or before the conciliation conference. The representative who will attend the conference shall be clothed with the proper power of attorney.

Sec 6. Venue – All complaints or actions shall be filed in the regional office which has jurisdiction over the area where the project involved is located.

In cases where the request is filed with the Central Office, the LSG Head may determine the venue of the conciliation proceeding as may be practical and accessible to the parties.

Sec 7. Scheduling of the Conference – The conciliator shall invite the parties in writing at least five (5) days prior to the scheduled conciliation conference.

Upon the first meeting with the parties, they may agree for the possible resetting of the case with the conformity of the assigned conciliator. In case the parties agrees to a resetting, the next conciliation proceeding shall be conducted not later than one (1) month after the last conciliation proceeding.

There shall be a maximum of two (2) conciliation conferences.



Sec 8. Non-appearance of the Parties – Failure of the complainant/s to appear on the scheduled conciliation conference, either in person or through an authorized representative, shall be a ground for a motu proprio termination of the proceeding.

Sec. 9. Authority of representative - The authorized representative shall present his/her duly notarized Special Power of Attorney. The representative shall furnish the opposing party and the Board copies of his/her SPA which shall form part of the record.

Sec. 10. Compromise Agreement – In the event that a compromise is reached, the same shall be reduced in writing for compliance by the parties. The compromise agreement shall have the force and effect of law between the parties and shall be immediately executory.

A copy of the compromise agreement shall be signed by both parties and by the Conciliator as witness.

Sec. 11. Filing System for Records of Conciliation – The records of the proceeding, as well as the compromise agreement, if applicable, shall be filed with the LSG or RFO, whichever is applicable.

Sec. 12. Confidentiality– The conciliation proceedings, including all evidence presented shall remain confidential in character and may not be furnished to any person not a party to the case in any proceeding.

### **RULE 3**

#### **THE CONCILIATOR**

Sec. 13. Duty to provide assistance – It is the duty of the LSG/RFO to provide legal assistance to constituents when requested and facilitate conciliation proceedings.

Sec 14. Role of the Conciliator – Prior to the conduct of the conciliation conference, the conciliator shall explain the nature, objectives and rules of the proceedings. The conciliator shall facilitate the dialogue/discussion between the parties to encourage the settlement of the dispute without need of filing a formal complaint. The conciliator may meet or communicate with the parties together or individually.

Sec 15. Legal Opinion – In case a party in a conciliation proceeding requests for a written legal opinion, the conciliator/LSG Head/RFO may provide a party with the legal opinion which shall be limited only on procedural matters.

Sec 16. Duty of the Conciliator to File Report – It shall be the duty of the conciliator to submit a report of the conciliation proceedings to the LSG Head or the Regional Director/Officer who received the request for conciliation within ten (10) days from the termination of the conciliation proceedings.

It shall be the duty of the Conciliator to submit progressive and terminal reports to the Regional Director/Officer.



**RULE 4**

**TERMINATION OF CONCILIATION PROCEEDINGS**

Sec. 17. Termination – A conciliation proceeding is terminated on the day of the:

- a. signing of a compromise agreement;
- b. motu proprio written declaration of the conciliator that further efforts at conciliation are no longer feasible;
- c. declaration of any of the parties or both that further efforts at conciliation are no longer feasible.

Sec. 18. Compliance to the HLURB Rules of Procedure -Parties who have undergone conciliation and/or mediation shall no longer be required to undergo the same pursuant to the HLURB Rules of Procedure should the controversy ripen to an adversarial case.

**RULE 5**

**OTHER PROVISIONS**

Sec 19. Prospective application – These guidelines shall have prospective application.

Sec 20. Effectivity – These guidelines shall take effect immediately.

APPROVED, February 28, 2011, Diliman, Quezon City, Philippines.



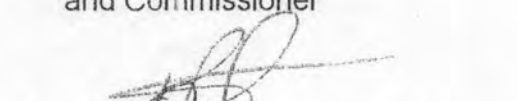
**JOSE VICENTE C. SALAZAR**  
Undersecretary, DOJ



**ANTONIO M. BERNARDO**  
Chief Executive Officer  
and Commissioner



**RIA CORAZON A. GOLEZ-CABRERA**  
Commissioner



**FELIX WILLIAM B. FUENTEBELLA**  
Commissioner



**LUIS A. PAREDES**  
Commissioner