

# ADR/MEDIATION

## I. Principles and Approaches

**Definition**= a dispute resolution approach where a mutually acceptable “impartial” or “partial to all” third party assists the conflicting parties or stakeholders engage in a principled negotiation process



## II. Mediation VS Arbitration

- Arbitration = 3<sup>rd</sup> party makes decision
- Mediation = 3<sup>rd</sup> party as facilitator of dialogue
- Conciliation = building psychological relation of trust & cooperation

Common Conflicts: Inheritance, Boundary, Ownership



### III. Merits of Mediation: economical re

- Economical resolution
- Rapid settlements
- Mutually satisfactory outcomes
- High rate of compliance
- Comprehensive and “customized” agreements
- Greater degree of control and predictability



## IV. Stages of Mediation

- Stage 1 = Pre-Mediation
- Stage 2 = Actual-Mediation
- Stage 3 = Post-Mediation

Shuttle Mediation= meeting parties separately

Caucus = private meeting for cooling off emotions

Co-Mediation= team of two or more impartial 3<sup>rd</sup> party



## V. Mediation Roadmap

- Opening remarks
- Parties sharing of Perspective on the problem
- Mediator's Summary of Issues
- Problem Solving of each Issue
- Reaching Closure = Summarizing & Packaging Formal Agreements
- AFP proceeds offer mediation if successful



# Katarungang Pambarangay LAW: Amicable Settlement among family and barangay members through:

- Mediation
- Conciliation
- Arbitration



without resort to courts



## Legal Basis

- 1.) Sect. 399-422, chapt.7, Title I, Book III, Local Gov't. Code or R.A. 7160
- 2.) DOJ, June 1, 1992 = Katarungang Brgy. Rules, establishing
  - a.) the Lupon Tagapamayapa (not less than 10, no more than 20 members)
  - b.) Pangkat Tagapagkasundo = 3 Lupon members



When all means have failed before the  
Punong Barangay.

