Barangay Justice System of the 16th Century:
A Tradition Filipinos Anciently Held

Datu (Barangay Chief) had both the responsibility and the right to govern his people. With this, he is expected to act not only as a leader in battle and protector of the chiefdom/barangay, but also to settle local disputes both as the judge and enforcer of law.¹

Based on an early Spanish treatise on Pampanga law, historian William Henry Scott narrated the early justice system of 16th century Pampanga.

In 16th century Pampanga, datus like any other datus in Luzon and Visayas performed tasks of settling disputes among his constituents (people in the chiefdom/barangay). His job included those of what a usual modern judge does: summoning parties, judging and giving out sentence to lawbreakers. He also settle disputes on appeal. In instances when a datu failed to take action against a criminal or a lawbreaker, other datus intervened. These intervening datus are chosen by their peers/ among their ranks based on their status, reputation for impartiality and good judgment. Decisions rendered by the chosen datu/s are enforced; datus even band together to ensure enforcement of laws, even by arms if needed. Such intervention is needed especially in cases when it is a conflict of interest between two datus (chiefly class).²

Chiefs were compensated for their duties as judge and enforcer; they usually get half the fine or half of the property/ies involved.

Barangay Laws

Laws are generally handed down by oral tradition. In applying these laws, chiefs acting as judges use these as precedents, and might interpret them in particular cases. There was no clear mention in Plasencia’s account³ of any “legislative amendment, nor reference to trial by ordeal, or arbitrary action by powerful chiefs for personal aggrandizement. Neither were slaves mentioned as having any rights under the law at all.”⁴

Lawsuits

Lawsuits could be brought for the following cases: Murder, witchcraft, insult, theft, marriage/divorce, arson, inheritance etc. Timawa can brought up lawsuits against another, while in cases involving chiefs, other chiefs/datus intervene.

The usual process for lawsuits during the 16th century are as follows:
1. Parties were summoned by the chief/datu who will act as both the trier and the judge.
2. The datu would first try to arrange an amicable settlement between parties
3. Failure to enter into amicable settlement would ensue trial of case wherein the parties were examined by judge (orally), and then witnesses are heard.
4. Decision is handed down, the witnesses and the chief were paid off, the former according to social rank, and the decision is enforced.

* According to the accounts, the party with more witnesses who swear by the sun, moon, crocodile, usually wins the case. Half of the fine or the property involved goes to

¹ p.128-130
² pp245-250
³ written in Nagcarlan, Laguna in 1589. An appendix entitled “Ynstruccion de las custombres que antiguamente tenian los naturals de la Pan Panga (Information on the customs which the natives of Pampanga anciently held)
⁴ Barangay: 16th Century Philippine Culture and Society- William Henry Scott pp.245-246
⁵ p245-246
the winning party, while the other half goes to the chief and the witnesses. Witnesses were paid off according to rank. The losing party gets nothing and his advance payment, if any, is taken away.

**Murder**

In cases of murder, it was always required that the murderer pays the man-price or what was called a wergeld of the person he murdered, with exception to cases when a timawa murdered adatu or chief, no wergild is acceptable and the timawa murderer is executed, together with his wife and children, and his properties seized.

Murder among datus required intervention of other datus as this usually results to war between families. The murderer pays the wergild of the datu he killed, half going to the victim's heirs, and the other half to his timawa and intervening chiefs.

Murder among timawa. In cases when a timawa cannot pay the wergild of his victim, he is executed by spearing. In cases when a man killed a first degree relative, all his properties were given to the victims heir/s.

In cases of witchcraft murder, any chief is given the power to execute the alleged witch murderer, taking half of his properties and the other half going to the victim's relatives.

In cases when there are no heirs, the judge or executioner took half the murderer's goods/properties.

**Insult**

Insults among the chiefly class is considered a serious crime, unlike when a chief insulted a timawa. The case is intervened by a datu/chief acceptable to both parties who will act as judge. When the decision was unacceptable to either of the parties, drinkfests ensue to establish prestige. This more often than not resulted to war. The penalty for insult more often than not requires payment of a heavy fine.

**Theft**

Cases of theft primarily require the thief to return the stolen property/goods and to pay a fine. For those belonging to the chiefly class (chief/datu), other chiefs fine the thief. In case of a timawa, he who could not pay is sold into slavery. In cases of slave, either the master pays the fine or the slave is brought to the aggrieved party for punishment. Thief caught in the act by the owner could be killed or whipped even without trial.

**Barangay Justice System during the Spanish Regime**

This system of amicably settling disputes continued during the Spanish regime, although informally and in limited extent, with the Cabeza de Barangay acting as the datu. However, the cabeza de barangay only plays minor magisterial authority as it was the primary duty of gobernadorcillos (municipal magistrates) to settle civil cases arising between and among Indios (as the natives were called), Chinese mestizos and Chinese.5

The Barangay Justice System was put to an end during the American Regime with the imposition of American justice system, which is adversarial in nature.

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