

Mediation for Harmony: The New Rule on Family Mediation (A.M. No. 24-02-06-SC)

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The family is often widely regarded as the foundation of society, serving as a fundamental social institution that shapes both individuals and communities. Émile Durkheim in *The Elementary Forms of Religious Life* (1912) identifies the family as a *primary social institution* essential for social cohesion and moral regulation.^[1] This is acknowledged by the 1987 Philippine Constitution, specifically Section 1 of Article XV, which recognizes the Filipino family as the foundation of the nation and mandates the State to strengthen its solidarity and actively promote its total development.^[2] Accordingly, the family influences nearly every aspect of a Filipino's life, from emotional support systems and social norms to broader patterns of economic development.

Philosopher, Fredrich Nietzsche, in *Human, All Too Human: A Book for Free Spirits* (1887), stated that: "In family life, love is the oil that eases friction, the cement that binds closer together, and the music that brings harmony."^[3] Yet, family life is not always harmonious. Recognizing this reality, the State, through Section 12, Article II of the 1987 Philippine Constitution, commits to protecting and strengthening the family as a basic autonomous social institution.^[4] While Paragraph 4, Section 3, Article XV of the same recognizes that the State shall defend the right of families or family associations to participate in the planning and implementation of policies and programs that affect them.^[5] Thus, to uphold the mandates, Article 151 of the Family Code necessitates earnest efforts be made to reach a compromise before litigation between family members can ensue to avoid the growth of animosity and bitterness that could arise from such litigations otherwise, the suit is dismissible.^[6] To further address the concern, the Supreme Court approved the Rule on Family Mediation in its resolution dated 04 November 2024 under A.M. No. 24-02-06-SC which aims to increase the effectivity of the family courts thus unclogging dockets, introduce innovations in dealing with family cases that includes the promotion of the best interest of the child, and address the emerging need for family mediation.^[7]

Generally, this Rule applies to litigation between or among: (a) husband and wife; (b) parents and children; (c) brothers and sisters; (d) other ascendants and descendants; (e) relatives within the fourth degree of consanguinity or affinity. However, unlike the Earnest Effort Rule born from the Family Code which limited its scope to family members, the Rule on Family Mediation (A.M. No. 24-02-06-SC) expanded its application to include parties in former or current common-law, dating, or sexual relationships, which fall within the jurisdiction of

[1] Durkheim, É, (1995). *The elementary forms of religious life* (K.E. Fields, Trans.), Free Press. (Original work published 1912)

[2] Const. (1987), Art. XV, Sec. 1

[3] Nietzsche, F. (1996). *Human, all too human: A book for free spirits* (R.J. Hollingdale, Trans.). Cambridge University Press. (Original work published 1878)

[4] Const. (1987), Art. II, Sec. 12

[5] Const. (1987), Art. XV, Sec. 3

[6] Supreme Court decision - G.R. No. 217744. July 30, 2018

[7] A.M. No. 24-02-06-SC. Rule on Family Mediation. November 05, 2024 Available at: <https://sc.judiciary.gov.ph/24-02-06-sc-the-rule-on-family-mediation/> (last visited December 7, 2025)

family courts, first and second level courts, and the Court of Appeals.^[8]

The Rule on Family mediation had also included that it shall apply on cases involving child support, custody, property relations, or guardianship to be able to adhere to the principle enshrined in paragraph 1, Article 3 of the Philippine ratified United Nations Convention on the Rights of the Child (UNCRC) which ordains that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be primary consideration.^[9] Hence, a non-adversarial process such as a Family Mediation should include children and give them a chance to share their thoughts on issues that impact them. Thus, the process must focus on what is best for the child and the family.

Under this Rule, courts are enjoined to refer the parties to undergo a mandatory thirty-day family mediation. If a settlement is reached in the process, the parties shall execute a compromise agreement to be submitted to the court for approval. If no settlement is reached, the court may refer the case for Judicial Dispute Resolution if convinced that settlement is still possible. If the parties still do not reach a settlement and a case is filed, the court, after the pre-trial conference and once the issues have been joined, shall direct the parties to undergo mandatory family mediation as final attempt to settle the disputes.^[10]

The Rule on Family Mediation defines family mediation as a process in which a mediator, acting as an impartial third party, facilitates the resolution of family disputes and helps the parties in reaching voluntary agreements. Aside from the actions concerning children, the Rule shall also be applicable to the settlement of intestate estates or other civil cases where mediation is allowed by law.^[11]

To reinforce its effectiveness, the Rule mentioned repercussions of refusal of the parties to undergo family mediation. If both the petitioner and their counsel who shall fail to appear at the mediation, despite due notice and without justifiable reason, the case shall be dismissed. If it is the defendant and their counsel who shall fail to appear, the petitioner shall be allowed to present evidence ex parte.^[12]

This new Rule on Family Mediation introduces mediation to resolve family conflicts without going to court thus it reduces the emotional, financial, and psychological strain associated with protracted litigation especially those that may consume a lengthy period. Support services may even be provided per this rule to parties or minors while undergoing family mediation, including physical or psychological services and counseling.^[13]

In *April Martinez, et. al. vs. Rodolfo G. Martinez*, G.R. No. 162084, June 28, 2005, the Supreme Court noted that: “It is difficult to imagine a sadder and more tragic spectacle than

[8] Id.

[9] Id.

[10] Id.

[11] Id.

[12] Id.

[13] Id.

a litigation between members of the same family. It is necessary that every effort should be made toward a compromise before a litigation is allowed to breed hate and passion in the family, and it is known that a lawsuit between close relatives generates deeper bitterness than between strangers.”. ^[14] In Christopher Lasch’s book, *Haven in a Heartless World: The Family Besieged* (1997), he stated that: “Family is a haven in a heartless world.”. ^[15] Per Section 12, Article II of the 1987 Philippine Constitution, the State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. ^[16] For these reasons, the State continues to implement measures to safeguard the sanctity of the family. Thus, with the adoption of the Rule on Family Mediation, the family, as a social institution, is provided with a better process of resolving family disputes, not just decreasing the economic burden but also emotional costs brought by litigation.

[14] Supreme Court decision - G.R. No. 162084. June 28, 2005

[15] Lasch, C. (1977). *Heaven in a heartless world: The family besieged*.

[16] Const. (1987), Art II, Sec. 12