

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



23 OCT -5 P12:52

SENATE
S. No. 2462

RECEIVED BY: _____

Introduced by Senator Robinhood Padilla

AN ACT
PROVIDING THE MUSLIM FILIPINOS BETTER ACCESS TO SHARI'A COURTS,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9997, OTHERWISE
KNOWN AS THE "NATIONAL COMMISSION ON MUSLIM FILIPINOS ACT OF
2009"

EXPLANATORY NOTE

Over four decades ago, former President Ferdinand E. Marcos Sr. signed Presidential Decree (P.D.) No. 1083, otherwise known as the Code of Muslim Personal Laws, with the aim of providing effective administration and enforcement of Muslim customary and personal laws through the creation of Shari'a courts in Mindanao, among others.

While P.D. No. 1083 laid the foundation for the creation of these special courts, the fact still remains that Muslim Filipinos experience challenges in accessing this legal system. Stories of our brothers and sisters attest that this plight is oftentimes due to factors such as, but not limited to: scarcity of resources, limited knowledge in filing and submitting of legal documents, and lack of Shari'a courts outside Mindanao. Needless to say, these circumstances undermine our country's commitment to promoting fair and equal treatment to all of its citizens under the law.

In order to address this predicament, this measure is being filed to expand the powers and functions of the National Commission on Muslim Filipinos (NCMF) by way of amending Republic Act No. 9997, otherwise known as the National Commission on Muslim Filipinos Act of 2009. Specifically, this bill allows the NCMF to provide legal assistance and services which includes the filing or submission of appropriate

documents with the proper Shari'a Court for Muslim Filipino litigants who are in a region without an existing Shari'a Court.

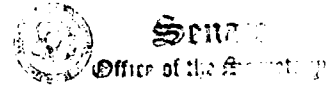
This measure also introduces provisions for the creation of a digital platform that allows the paperless filing of routine documents to and from Shari'a courts, as well as the collection of statistical data for Muslim Filipinos at the national, regional, provincial, city, and municipal levels.

To ensure that all citizens of this country are able to access an effective, efficient, and non-discriminatory legal system, the passage of this measure is earnestly sought.



ROBINHOOD PADILLA
Senator

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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 Section 1. Section 8 of Republic Act No. 9997 is hereby amended as follows:

2 SEC. 8. *Powers and Functions.* — To accomplish its mandate, the
3 Commission shall have the following powers and functions:

4 X X X

5 (p) Assist the [~~National Statistics Office (NSO)~~] **PHILIPPINE**
6 **STATISTICS AUTHORITY (PSA)** in conducting census on the
7 actual population of Muslim Filipinos in the country;

8 X X X

9 (z) X X X

10 (aa) [~~Promulgate such rules and regulations and exercise such~~
11 ~~powers and functions as may be necessary to carry out the~~
12 ~~purposes and objectives outlined in this Act; and~~] **PROVIDE**
13 **SERVICES TO MUSLIM FILIPINOS BY FACILITATING THE**
14 **FILING OR SUBMISSION OF LEGAL DOCUMENTS IN**
15 **CONNECTION WITH THE CASES FILED BY MUSLIM**

1 **FILIPINOS IN THE SHARI'A COURTS, AND CHARGE**
2 **APPROPRIATE FEES FOR SUCH SERVICES;**

3 (bb) [~~Perform such other functions as may be necessary for its~~
4 ~~effective operations and continued enhancement as a~~
5 ~~government entity.~~] **PURSUE PUBLIC-PRIVATE**
6 **PARTNERSHIP PROJECTS FOR THE BENEFIT OF MUSLIM**
7 **FILIPINOS;**

8 **(CC) PROMULGATE SUCH RULES AND REGULATIONS AND**
9 **EXERCISE SUCH POWERS AND FUNCTIONS AS MAY BE**
10 **NECESSARY TO CARRY OUT THE PURPOSES AND**
11 **OBJECTIVES OF THIS ACT; AND**

12 **(DD) PERFORM SUCH OTHER FUNCTIONS AS MAY BE**
13 **NECESSARY FOR ITS EFFECTIVE OPERATIONS AND**
14 **CONTINUED ENHANCEMENT AS A GOVERNMENT ENTITY.**

15 Sec. 2. Section 11 of the same Act is hereby amended as follows:

16 SEC. 11. *Bureaus.* — x x x

17 (g) Bureau of Legal Affairs. — The Legal Affairs Bureau shall be
18 responsible for providing Muslim Filipinos with legal education and
19 assistance in case of litigation involving their persons or interests;
20 act as the legal counsel of the Commission; and investigate cases
21 involving its personnel and submit appropriate recommendations
22 pertaining thereto. The Bureau shall also investigate valid
23 complaints brought before the Commission.

24 **THE BUREAU OF LEGAL AFFAIRS SHALL ALSO ENSURE**
25 **THAT MUSLIM FILIPINOS HAVE EQUITABLE ACCESS TO**
26 **SHARI'A COURTS. THUS, IT MAY FACILITATE THE FILING**
27 **OR SUBMISSION OF APPROPRIATE DOCUMENTS WITH**
28 **THE PROPER SHARI'A COURT FOR MUSLIM FILIPINO**
29 **LITIGANTS WHO ARE IN A REGION WHERE THERE IS NO**
30 **EXISTING SHARI'A COURT.**

31 **THE REQUIRED NUMBER OF PERSONNEL AND LEGAL**
32 **OFFICERS FOR THE EFFECTIVE IMPLEMENTATION OF**

1 **THIS SECTION SHALL BE DETERMINED BY THE**
2 **COMMISSION.**

3 **THE COMMISSION SHALL, IN COORDINATION WITH THE**
4 **SUPREME COURT, ESTABLISH A MECHANISM FOR THE**
5 **FILING OR SUBMISSION OF LEGAL DOCUMENTS WITHIN**
6 **THE JURISDICTION OF THE SHARI'A CIRCUIT AND**
7 **DISTRICT COURTS, INCLUDING THOSE PROVIDED**
8 **UNDER TITLE VI CHAPTER ONE OF PRESIDENTIAL**
9 **DECREE NO. 1083, OTHERWISE KNOWN AS THE "CODE**
10 **ON MUSLIM PERSONAL LAWS OF THE PHILIPPINES." THE**
11 **MECHANISM MAY BE FACILITATED AND ADMINISTERED**
12 **BY THE COMMISSION THROUGH THE BUREAU OF LEGAL**
13 **AFFAIRS TO PROVIDE SERVICES TO MUSLIM FILIPINOS**
14 **WHO HAVE NO ACCESS TO SHARI'A COURTS IN THEIR**
15 **REGION.**

16 **THE MECHANISM SHALL CONSIDER THE PREVAILING**
17 **RULES OF THE PROCEEDINGS IN THE SHARI'A COURT OF**
18 **THE PLACE WHERE THE COURT IS LOCATED.**

19 **A MEMORANDUM OF UNDERSTANDING BETWEEN THE**
20 **COMMISSION AND THE SUPREME COURT MAY BE**
21 **ENTERED INTO FOR THE IMPLEMENTATION OF THE**
22 **PROVISIONS OF THIS SECTION WHICH SHALL NOT BE**
23 **CONSTRUED AS AN IMPEDIMENT ON THE JURISDICTION**
24 **OF THE COURTS.**

25 Sec. 3. A new section denominated as Section 11-A is hereby inserted after
26 Section 11 of the same Act to read as follows:

27 **SEC. 11-A. *DIGITAL TRANSFORMATION FOR SHARI'A***
28 ***COURT SERVICES.* — THE COMMISSION AND THE**
29 **DEPARTMENT OF INFORMATION AND**
30 **COMMUNICATIONS TECHNOLOGY (DICT) SHALL, IN**
31 **COORDINATION WITH THE SUPREME COURT, CREATE A**
32 **DIGITAL PLATFORM THAT ALLOWS PAPERLESS FILING**

1 OF ROUTINE DOCUMENTS, SUCH AS MARRIAGE
2 CERTIFICATE, BIRTH CERTIFICATE, DEATH CERTIFICATE
3 AND THE COLLECTION OF APPROPRIATE COURT FEES
4 FOR THIS PURPOSE. THE COMMISSION IS AUTHORIZED
5 TO ENTER INTO PUBLIC-PRIVATE PARTNERSHIPS TO
6 FACILITATE THE FILING OF DOCUMENTS AS PROVIDED
7 IN THIS ACT.

8 ANY INFORMATION OR DATA OBTAINED BY THE
9 COMMISSION AND DICT THROUGH A DIGITAL
10 PLATFORM ALLOWING PAPERLESS FILING FOR THE
11 ABOVE DOCUMENTS SHALL BE TREATED WITH
12 CONFIDENTIALITY AND THE RIGHT TO PRIVACY OF THE
13 PARTIES SHALL BE OBSERVED.

14 Sec. 4. A new section denominated as Section 17-A is hereby inserted after
15 Section 17 of the same Act to read as follows:

16 **SEC. 17-A. STATISTICAL DATA ON MUSLIM FILIPINOS. —**
17 **THE PSA AND THE COMMISSION SHALL COORDINATE ON**
18 **THE COLLECTION OF STATISTICAL DATA FOR MUSLIM**
19 **FILIPINOS IN THE NATIONAL, REGIONAL, PROVINCIAL,**
20 **CITY, AND MUNICIPAL LEVELS. THE COMMISSION AND**
21 **THE PSA SHALL PREPARE AN ANNUAL REPORT ON THE**
22 **MUSLIM FILIPINO POPULATION. THE ANNUAL REPORT**
23 **SHALL INCLUDE THE LATEST CENSUS OF POPULATION OF**
24 **MUSLIM FILIPINOS, MUSLIM BIRTHS, MARRIAGES, AND**
25 **DEATHS FOR THE YEAR.**

26 Sec. 5. A new section denominated as Section 23-A is hereby inserted after
27 Section 23 of the same Act to read as follows:

28 **SEC. 23-A. REPORTORIAL REQUIREMENTS. — THE**
29 **SECRETARY SHALL SUBMIT TO THE PRESIDENT OF THE**
30 **SENATE, THE SPEAKER OF THE HOUSE OF**
31 **REPRESENTATIVES, THE CHAIRPERSON OF THE SENATE**
32 **COMMITTEE ON CULTURAL COMMUNITIES AND MUSLIM**

1 **AFFAIRS, AND THE CHAIRPERSON OF THE HOUSE**
2 **COMMITTEE ON MUSLIM AFFAIRS AN ANNUAL REPORT**
3 **ON THE IMPLEMENTATION OF THIS ACT.**

4 Sec. 6. Within ninety (90) days from the approval of this Act, the Commission,
5 in coordination with the Department of Budget and Management and the Supreme
6 Court of the Philippines, shall promulgate the necessary rules and regulations to
7 implement the provisions of this Act.

8 Sec. 7. All existing laws, executive orders, presidential decrees, rules and
9 regulations or parts thereof inconsistent with the provisions of this Act are repealed
10 or modified accordingly.

11 Sec. 8. This Act shall take effect fifteen (15) days after its publication in the
12 Official Gazette or in a newspaper of general circulation.

 Approved,