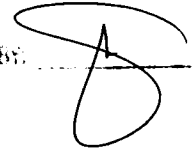


NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Third Regular Session* )

24 SEP 11 P4:44

**SENATE**  
**S. B. No. 2820**

RECEIVED BY



---

Introduced by Senator Robinhood Padilla

---

**AN ACT**  
**AMENDING ARTICLE X, SECTION 8 OF REPUBLIC ACT NO 11054**  
**OTHERWISE KNOWN AS THE "ORGANIC LAW FOR THE BANGSAMORO**  
**AUTONOMOUS REGION IN MUSLIM MINDANAO"**

**Explanatory Note**

Presidential Decree (PD) No. 1073, also known as the Code of Muslim Personal Laws of the Philippines, was enacted on February 7, 1977, by former President Ferdinand Marcos Sr. This decree underscores the importance of effectively administering and enforcing Muslim personal laws among Muslims, which paved the way to the establishment of Shari'ah District Courts and Shari'ah Circuit Courts.

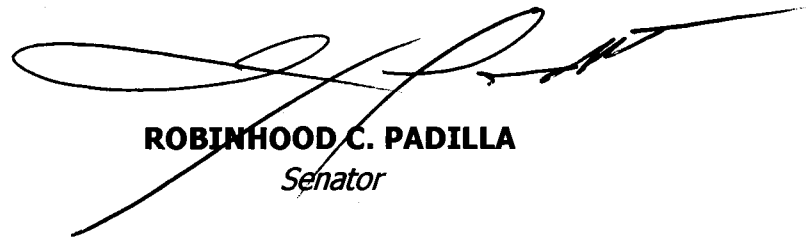
Article 140 of PD No. 1073 specifies that no individual can be appointed as a Shari'ah District Judge unless, in addition to meeting the qualifications required for judges of Courts of First Instance under the Judiciary Law, he/she possesses expertise in Islamic law and jurisprudence. In contrast, for Shari'ah Circuit Courts, the law stipulates that judges do not need to be members of the Philippine bar. Instead, they must have completed the required Shari'ah and Islamic jurisprudence (fiqh) courses administered by the Supreme Court, and must be natural-born citizens of the Philippines and at least twenty-five years old.

However, when Republic Act 11054 or the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao was passed in 2018, its section on the

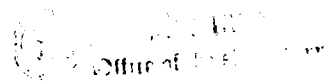
qualification of Shari'ah Judges for circuit courts specified the membership to the Philippine bar, on top of other requirements, such as: being at least thirty (30) years of age, must have been engaged, in the practice of law for five (5) years or more, and has completed at least two (2) years of *Shari 'ah* or Mamie Jurisprudence.

As pointed out by the National Commission on Muslim Filipinos, these stringent requirements are one of the reasons why it has become challenging to fill up positions in the Shari'ah circuit courts. The agency also expressed their opinion, that since most of the issues discussed under the circuit courts are communal in nature, the judges' knowledge on the Shari'ah practices must be prioritized over legal expertise.

In view of the foregoing, this bill is being proposed to amend Section 8 of RA 11054, and it is hoped that its passage will be considered by this august body.




**ROBINHOOD C. PADILLA**  
*Senator*



NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Third Regular Session* )

24 SEP 11 P4:44

RECEIVED BY 

**SENATE**  
S. No. 2820

Introduced by Senator Robinhood Padilla

**AN ACT**  
**AMENDING ARTICLE X, SECTION 8 OF REPUBLIC ACT NO 11054**  
**OTHERWISE KNOWN AS THE "ORGANIC LAW FOR THE BANGSAMORO**  
**AUTONOMOUS REGION IN MUSLIM MINDANAO"**

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

1 Section 1. Article X, Section 8 of Republic Act No. 11054 is hereby amended to  
2 read as follows:

3 "SEC. 8. *Qualifications of Shari'ah Judges.* -

4 (a) *Shari'ah* Circuit Court. - No person shall be appointed judge of the *Shari'ah*  
5 Circuit Court unless a citizen of the Philippines who is a Muslim, [~~a regular~~  
6 ~~member of the Philippine Bar,~~] at least thirty (30) years of age, must have been  
7 engaged, in the practice of **SHARI'AH** law for five (5) years or more, and has  
8 completed at least two (2) years of *Shari 'ah* or Mamie Jurisprudence.

9 Xxx"

10 Sec. 2. *Separability Clause.* — If any provision of this Act shall be held  
11 unconstitutional or invalid, the other provisions not otherwise affected shall remain in  
12 full force and effect.

1            *Sec. 3. Repealing Clause.* — All laws, decrees, orders, issuances, and rules and  
2 regulations or parts thereof inconsistent with the provisions of this Act are hereby  
3 repealed or modified accordingly.

4            *Sec. 4. Effectivity Clause.* — This Act shall take effect fifteen (15) days after its  
5 publication in the Official Gazette or in at least two (2) newspapers of general  
6 circulation.

Approved,