

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

OFFICE OF THE SECRETARY

10 JUL 13 19:15

SENATE
S.B. No. 1346

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Introduced by Senator Loren Legarda

EXPLANATORY NOTE

The enactment into law of Presidential Decree No. 1083 or the Muslim Code of Personal Laws in 1977 and the continuing enforcement of it in the present is a recognition of the existence within the Philippine State of a valid legal system, though limited in application to family laws and other closely related subjects, that is different from the predominant Philippine general laws. By doing so, the Philippines has demonstrated an inkling towards a pluralistic approach to laws of personal application. Shari'a courts were established in order to adjudicate and resolve legal disputes concerning personal laws peculiar to Muslim Filipinos. These courts were created in limited parts of Mindanao, where the majority of Muslim Filipinos are traditionally found.

However, Muslim Filipinos are not confined in those places in Mindanao where Shari'a courts are in operation. They are now in other parts of Mindanao as well as in many parts of Luzon and Visayas where they engage in trading and in other aspects of community life and are constantly commingling with their fellow Filipinos. They are most notably present in the Autonomous Region in Muslim Mindanao (ARMM) as well as in the other parts of Mindanao. They are also present in the Northern Luzon, Metro Manila, Southern Luzon and the Visayas in significant numbers.

The presence of Muslim communities in parts of the country outside the jurisdiction of Shari'a courts has resulted in more cases and disputes susceptible of judicial resolution by the such courts. But since the presence of Shari'a courts is limited only to certain parts of Mindanao, Muslim Filipinos located far from such courts have found very difficult, inconvenient, and troublesome the filing and resolution of legal cases.

This bill seeks to strengthen the Shari'a District Court System by expanding it to cover the ARMM, the areas in Mindanao outside of the ARMM, Luzon and the Visayas. The creation of these Shari'a courts will serve as a window to the justice system for Muslim Filipinos outside the ambit of the existing Shari'a courts thereby making it easier for them to go to courts of justice that could remedy their problems and reconcile disputes among them.

In view of the foregoing the enactment of this bill into law is earnestly sought.


LOREN LEGARDA
Senator

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AN ACT
ESTABLISHING THE SHARI'A DISTRICT COURT SYSTEM IN THE
AUTONOMOUS REGION IN MUSLIM MINDANAO (ARMM) AND IN THE
AREAS OUTSIDE THE SAID AUTONOMOUS REGION, AMENDING FOR
THE PURPOSE PRESIDENTIAL DECREE NO. 1083 OTHERWISE KNOWN AS
THE MUSLIM CODE OF PERSONAL LAWS OF THE PHILIPPINES,
PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

1 **SECTION 1.** Article 138 of Presidential Decree No. 1083 is hereby amended
2 to read as follows:

3
4 Article 138. Shari'a Judicial Districts. - In the Autonomous Region in
5 Muslim Mindanao, five (5) special judicial districts, each to have one
6 Shari'a District Court presided over by one judge, are constituted as
7 follows:

- 8
9 1. The first Shari'a District comprising the Province of Sulu;
- 10 2. The Second Shari'a District, the province of Tawi-Tawi;
- 11 3. The Third Shari'a District, the Province of Basilan and the City
12 of Isabela;
- 13 4. The Fourth Shari'a district, the Province of Lanao del Sur and
14 the City of Marawi;
- 15 5. The Fifth Shari's District, the Province of Maguindanao and the
16 City of Cotabato.

17
18 Article 138-A. Outside the Autonomous Region in Muslim Mindanao,
19 six (6) special judicial districts, each to have one Shari'a District Court
20 presided over by one judge, and constituted as follows:

- 1
- 2 1. The Sixth Shari'a District, the province of Lanao del Norte and
- 3 the City of Iligan;
- 4 2. The Seventh Shari'a District, the Province of North Cotabato,
- 5 South Cotabato, and the City of General Santos;
- 6 3. The Eights Shari'a District, the Provinces of Zamboanga
- 7 Sibugay, Zamboanga del Norte, Zamboanga Del Sur, and the
- 8 Cities of Dipolog, Pagadian, and Zamboanga;
- 9 4. The Ninth Shari'a district, the Metropolitan Manila Area and
- 10 Southern Luzon;
- 11 5. The Tenth Shari'a district, in Northern Luzon;
- 12 6. The Eleventh Shari'a District, in the Visayas.
- 13

14 **SECTION 2.** Article 147 of Presidential Decree No. 1083 is hereby amended
15 to read as follows:

16

17 Article 147. Permanent stations; offices. - The Shari'a District Courts in
18 the Autonomous Region in Muslim Mindanao shall have their
19 respective permanent stations in the following places:

- 20
- 21 1. First Shari'a District, in Jolo;
- 22 2. Second Shari'a District, in Bongao
- 23 3. Third Shari'a District, in Isabela City;
- 24 4. Fourth Shari'a District, in Marawi City;
- 25 5. Fifth Shari'a District, Cotabato City.
- 26

27 Article 147-A. The Shari'a District Courts outside the Autonomous
28 Region in Muslim Mindanao shall have their respective permanent
29 stations in the following places:

- 30
- 31 1. The Sixth Shari'a District, in Zamboanga City;
- 32 2. The Seventh Shari'a District, in General Santos City;
- 33 3. The Eight Shari'a District, in Zamboanga City;
- 34 4. The Ninth Shari'a District, in Metro Manila;
- 35 5. The Tenth Shari'a District, in Cebu City.
- 36

1 Article 147-b. Provisions Common to Articles 147 and 147-a. - The
2 Shari'a District Courts may hold sessions anywhere within their
3 respective districts.
4

5 **SECTION 3.** Article 150 of Presidential Decree No. 1083 is hereby amended
6 to read as follows:
7

8 Article 150. Shari'a Circuit Courts; where established. - Shari'a Circuit
9 Courts in the Autonomous Region in Muslim Mindanao shall be
10 established as follows:
11

- 12 1. Eight such courts in the Province of Sulu;
- 13 2. Eight in the Province of Tawi-Tawi;
- 14 3. Eight in the Province of Basilan and in the City of Isabela;
- 15 4. Eight in the Province of Lanao del Norte and the City of
16 Marawi;
- 17 5. Eight in the Province of Maguindanao and the City of Cotabato.
18

19 Article 150-a. Shari'a Circuit Courts outside the Autonomous Region in
20 Muslim Mindanao shall be established as follows:
21

- 22 1. Eight in the Province of Lanao del Norte and the City of Iligan;
- 23 2. Eight in the Provinces of North Cotabato and South Cotabato
24 and the City of General Santos;
- 25 3. Eight in the Provinces of Zamboanga Sibugay, Zamboanga del
26 Norte and Zamboanga del Sur, and the Cities of Dipolog,
27 Pagadian, and Zamboanga.
- 28 4. Eight in the Metropolitan Manila Area and Southern Luzon;
- 29 5. Eight in Northern Luzon;
- 30 6. Eight in the Visayas.
31

32 Article 150-B. Provisions Common to Articles 150 and 150-A. - The
33 territorial jurisdiction of each of the Shari'a Circuit Courts shall be
34 fixed by the Supreme Court of the Philippines on the basis of
35 geographical contiguity of the municipalities and cities concerned and
36 their Muslim population.

1 **SECTION 4. Appropriations.** - Such amounts as maybe necessary to establish
2 the aforementioned Shari'a Districts as well as to reorganize and strengthen those
3 which already exist shall be charged to the appropriations of the Supreme Court of
4 the Philippines under the current General Appropriations Act. Thereafter, the
5 amounts needed for their operation and maintenance shall be included in the annual
6 General Appropriations Act.

7

8 **SECTION 5. Effectivity.** - This Act shall take effect fifteen (15) days after its
9 publication in the Official Gazette or in two (2) newspapers of national circulation.

10

11 Approved,