

Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
Cotabato City

BANGSAMORO TRANSITION AUTHORITY

Third Regular Session

PROPOSED RESOLUTION NO. 665

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**A RESOLUTION REQUESTING THE SUPREME COURT OF THE
PHILIPINES TO FACILITATE THE IMMEDIATE ORGANIZATION OF
THE SHARI'AH HIGH COURT IN THE BANGSAMORO AUTONOMOUS
REGION IN MUSLIM MINDANAO (BARMM)**

WHEREAS, Article VIII of the 1987 Constitution provides that “[t]he Supreme Court shall have administrative supervision over all courts and the personnel thereof,” and it shall “[a]ppoint all officials and employees of the judiciary....”

WHEREAS, Section 2, Article V of Republic Act No. 11504, also known as the Bangsamoro Organic Law (BOL), granted the Bangsamoro Government authority, without prejudice to the general supervision of the President of the Republic of the Philippines, over the “[a]dministration of justice”;

WHEREAS, Section 1, Article X of the BOL states that “[t]he Bangsamoro justice system shall be administered in accordance with the unique cultural and historical heritage of the Bangsamoro” and that, further in Section 7, Article X thereof

mandates that “xxx there is hereby created within the Bangsamoro territorial jurisdiction, as part of the Philippine judicial system, a Shari’ah High Court”;

WHEREAS, under Section 2 thereof, the “*Shari’ah courts within the Bangsamoro territorial jurisdiction shall form part of the Philippine judicial system subject to the supervision of the Supreme Court*”;

WHEREAS, the administrative functions of the Supreme Court are undertaken by the Supreme Court *En Banc*, “*assisted by the Office of the Clerk of Court in administrative matters and cases involving the Court and the collegial appellate courts, and by the Office of the Court Administrative matters and cases involving the lower courts*”;

WHEREAS, Section 9 of Article X of the same law provides for the composition of the *Shari’ah High Court*, to wit: “*the Shari’ah High Court shall be composed of five (5) Justices, including the Presiding Justice*”;

WHEREAS, under Section 7, Article X of the BOL, the *Shari’ah High Court* in the Bangsamoro shall exercise appellate jurisdiction over Shari’ah Courts within and outside the region; and, its decision “*shall be final and executory except on questions of law which may be raised before the Supreme Court xxx*”;

WHEREAS, Section 10, Article X of the BOL thus provides that the “*Justices of the Shari’ah High Court shall have the same rank, prerogatives, salaries, allowances, benefits, tenure, and privileges as the justices of the Court of Appeals*”;

WHEREAS, Section 14, Article X provides explicitly that it is the “*Supreme Court [that] shall appoint the Shari’ah Court personnel and shall have the power to discipline them*”;

WHEREAS, Section 7, Title V, Book III of the Bangsamoro Autonomy Act No. 13, also known as Bangsamoro Administrative Code, provides that “*xxx the parliament may recommend to the Supreme Court, the complete organization of the Shari’ah High Court in Cotabato City, where the seat of the Bangsamoro Government is located*”;

WHEREAS, the creation or establishment of Shari’ah appellate court has long been provided for by Republic Act 6734, or the first Organic Act of the autonomous region in Muslim Mindanao;

WHEREAS, Section 7, Article X of the BOL states that “[p]ending the complete organization of the *Shari’ah High Court*, the decisions of the *Shari’ah Courts* shall be appealable to the *Court of Appeals*,” creating a not unnecessary delay on the disposition of Shari’ah cases but also contributes to the clogging of the dockets of the Court of Appeals and the possible erroneous application of the *Shari’ah* law or the Muslim Personal Laws of the Philippines;

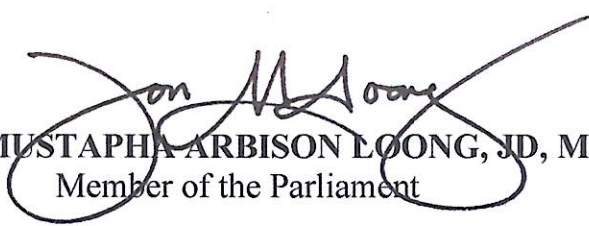
WHEREAS, there is an imperative need for the Supreme Court to fully organized the *Shari'ah* High Court in the BARMM to completely implement the spirit of the *Shari'ah* Justice System in the Bangsamoro Region;

NOW, THEREFORE, be it resolved, as it is hereby resolved by the Bangsamoro Parliament to most respectfully request the Supreme Court of the Philippines to immediately facilitate the full organization of the *Shari'ah* High Court in the BARMM;

RESOLVED FURTHER, that copy of this Resolution shall be submitted to the Office of the Chief Justice of the Supreme Court of the Philippines, the Office of the Clerk of Court, and the Office of the Court Administrator.

RESOLVED, FINALLY, that copies of this Resolution be likewise forwarded to the Office of the Chief Minister, Ahod Balawag Ebrahim, for favorable endorsement to the Supreme Court of the Philippines.

ADOPTED, _____.


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Member of the Parliament