

Republic of the Philippines
Bangsamoro Autonomous Region In Muslim Mindanao
BANGSAMORO TRANSITION AUTHORITY PARLIAMENT
Cotabato City

BTA PARLIAMENT
First Regular Session

PROPOSED RESOLUTION NO. 246

Bangsamoro Autonomous Region in Muslim Mindanao
Parliament
BILLS AND INDEX DIVISION
RECEIVED
Name: ADELAH DIPATUNAN Signature: 
Date: MAY 17 2023 Time: 1:00 PM

Introduced By: MP Suharto S. Esmael, MSc, MP Sha Elijah B. Dumama-Alba, MP Matarul M. Estino, MP Eddie M. Alih, MP Kadil M. Sinolinding, Jr., MP Tawakal B. Midtimbang

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**RESOLUTION CALLING FOR THE STRICT ADHERENCE TO REGISTRATION OF
MUSLIM DIVORCE PER ADMINISTRATIVE ORDER NO. 1, SERIES OF 2005 OF THE
OFFICE OF CIVIL REGISTRAR GENERAL**

WHEREAS, Executive Order No. 157 issued on February 15, 1994, by then President of the Republic of the Philippines, Fidel V. Ramos, established the Civil Registration System for Muslim Filipinos;

WHEREAS, Administrative Order No. 2, Series of 1993 as amended by Administrative Order No. 1 series of 2005 states that Muslim divorce (talaq) and revocation of divorce (talaq) shall be recorded. Under Article 83 of Presidential Decree 1083 otherwise known as the "Code of Muslim Personal Laws of the Philippines." likewise, is the responsibility of the Clerk of Court of the Shari'ah Circuit Court;

WHEREAS, in AO No. 1 series of 2005, Rule 10 therein states that "Any Muslim husband who has pronounced a talaq (divorce) shall, without delay, file with the Clerk of Court of the Shari'ah Circuit Court in the place where his family resides or domiciles, or in the most accessible Shari'ah Court. A written notice of such fact and the circumstances attendant thereto, after having served a copy thereof to the wife concerned. The notice filed shall be conclusive evidence that talaq (divorce) has been pronounced and shall constitute the Certificate of Divorce. In case the divorce is through a court decree, the corresponding decision shall constitute the Certificate of Divorce;

WHEREAS, All Certificates of Divorce or Court Decrees shall be registered in the Shari'ah Circuit Court furnished to the Local Civil Registrar. The Shari'ah Circuit Court or Local Civil Registrar Officer where the marriage was registered shall be furnished a copy of the Certificate of Divorce or Court Decree for annotation in the Certificate of Marriage and the Marriage Register. Five (5) copies of the Certificate of Divorce or Court Decree shall be submitted for registration within thirty (30) days after the date of divorce by the interested party;

WHEREAS, The Circuit Registrar shall distribute the five (5) copies of the Certificate of Divorce or court decree of divorce as follows: first copy to the husband; second copy to the wife; third copy to the OCRG; the fourth copy to the District Registrar; and the fifth copy for his file";

WHEREAS it has been laid down in the rules, the registration of Muslim Divorce yet the majority of the populace are not practicing the same, the registration of divorce settlements;

WHEREAS, under Rule 15 of AO No. 1, series of 2005, states that "Any person found violating this Order shall be liable under the existing civil registry laws, P.D. 1083, civil service laws and other pertinent laws";

WHEREAS, **Article 183 of Chapter II of Title V of PD 1083 or the Muslim Code of the Philippines states**, "*Offenses relative to subsequent marriage, divorce, and revocation of divorce. A person who fails to comply with the requirements of Articles 85, 161, and 162 of this Code shall be penalized by arresto*

mayor or a fine of not less than two hundred (200) pesos but not more than two thousand (2,000) pesos, or both, in the discretion of the court.”;

WHEREAS, under Article 184, Chapter II of Title V of PD 1083 or the Muslim Code of the Philippines. “Failure to report for registration. Except as provided in the article immediately preceding, a person who knowingly fails to perform his duty under this Code to report for registration any fact concerning the civil status of persons shall be punished by a fine of not less than one hundred pesos but not more than one thousand pesos.”; Now, therefore, be it

RESOLVED AS IT IS HEREBY RESOLVED by the Bangsamoro Transition Authority calling for strict implementation of Shariah Registration of Muslim Divorce Settlements.

Adopted,


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SHA ELIJAH B. DUMAMA-ALBA
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