

Republic of the Philippines  
Bangsamoro Autonomous Region in Muslim Mindanao  
**BANGSAMORO TRANSITION AUTHORITY 2**  
Cotabato City

*Second Regular Session*

**BTA PARLIAMENT**  
**BTA Resolution No. 494**



Introduced by  
**MP Engr. Baintan-Adil Ampatuan, MNSA**

Co-Authored by:

MP Atty. Laisa M. Alamia, MP Amilbahar S. Mawallil, MP Atty. Suharto M. Ambolodto, MP Engr. Don Mustapha A. Loong, MP Atty. Rasol Y. Mitmug, Jr., MP Rasul E. Ismael

**RESOLUTION**

**REQUESTING HIS EXCELLENCY PRESIDENT FERDINAND "BONGBONG" R. MARCOS, JR THROUGH THE JUDICIAL AND BAR COUNCIL (JBC) TO APPOINT JUDGES IN VACANT SHARI'A DISTRICT COURTS (SDCs) ESTABLISHED UNDER PRESIDENTIAL DECREE 1083, OTHERWISE KNOWN AS THE "CODE OF MUSLIM PERSONAL LAWS OF THE PHILIPPINES"<sup>1</sup>**

**WHEREAS**, Section 11, Article II of the 1987 Philippine Constitution provides that the State values the dignity of every human person and guarantees full respect for human rights;

**WHEREAS**, Section 26 of the same provision categorially states that the State shall guarantee equal access to opportunities for public service;

**WHEREAS**, Paragraphs 1 and 5 of Section 8, Article VIII of the Constitution provide that:

1. A Judicial and Bar Council is hereby created under the supervision of the Supreme Court composed of the Chief Justice as ex officio Chairman, the Secretary of Justice, and a representative of the Congress as ex officio

<sup>1</sup> This was inspired by the Resolution entry of Mr. Abdullah E. Mandugay with title "Resolution Requesting the Supreme Court of the Philippines to Appoint Judges in Vacant Shariah District Courts Established Under Presidential Decree 1083, Otherwise Known as the "Code of Muslim Personal Laws of the Philippines" during the 2023 Bill and Resolution Drafting Contest initiated by the Offices of MP Engr. Baintan A. Ampatuan, MNSA, MP Atty. Rasol Y. Mitmug, Jr., CESE, MP Engr. Don Mustapha A. Loong, CESE, and MP Rasul E. Ismael, EMDRCM.

Members, a representative of the Integrated Bar, a professor of law, a retired Member of the Supreme Court, and a representative of the private sector; and

5. The Council shall have the principal function of recommending appointees to the Judiciary;

**WHEREAS**, Paragraph 6, Section 5, Article VIII of the Constitution provides that the Supreme Court has the power to appoint all officials and employees of the Judiciary in accordance with the Civil Service Law;

**WHEREAS**, Section 9, Article VIII of the Constitution provides that the Members of the Supreme Court and judges of lower courts shall be appointed by the President from the list of at least three nominees prepared by the Judicial and Bar Council for every vacancy. Such appointments need no confirmation;

**WHEREAS**, Article 137, Title I, Book IV of Presidential Decree No. 1083, or the Code of Muslim Personal Laws of the Philippines, provides that there are hereby created as part of the judicial system, courts of limited jurisdiction, to be known respectively as Shari'a District Courts and Shari'a Circuit Courts, which shall exercise powers and functions in accordance with this Title. Shari'a courts and the personnel thereof shall be subject to the administrative supervision of the Supreme Court;

**WHEREAS**, Article 138, Title I, Book IV of the same law provides for the constitution of five (5) Shari'a Judicial Districts, each to have one Shari'a District Court presided over by one judge, as follows:

- (a) The First Shari'a District shall comprise the Province of Sulu;
- (b) The Second Shari'a District, the Province of Tawi-Tawi;
- (c) The Third Shari'a District, the Province of Basilan, Zamboanga del Norte, and Zamboanga del Sur, and the Cities of Dipolog, Pagadian and Zamboanga;
- (d) The Fourth Shari'a District, the provinces of Lanao del Norte and Lanao del Sur, and the Cities of Iligan and Marawi; and
- (e) The Fifth Shari'a District, the Provinces of Maguindanao, North Cotabato and Sultan Kudarat, and the City of Cotabato.

**WHEREAS**, Article 139 of the same law provides that the judicial function in the Shari'a District Courts shall be vested in the Shari'a District Judges to be appointed by the President of the Philippines;

**WHEREAS**, Section 1, Article X of Republic Act No. 11054, or the Bangsamoro Organic Law (BOL), provides that the Bangsamoro justice system shall be administered in accordance with the unique cultural and historical heritage of the Bangsamoro. The dispensation of justice in the Bangsamoro Autonomous Region shall



be in consonance with the Constitution, Shari'ah, traditional or tribal laws, and other relevant laws;

**WHEREAS**, the Judicial and Bar Council (JBC)'s primary task is to recommend appointees to the Judiciary and the Office of the Ombudsman for the President's perusal. It aims to enhance the quality of the search, screening, and selection process, as well as insulate the process from undue influence of any kind<sup>2</sup>;

**WHEREAS**, based on the records<sup>3</sup> of the JBC as of June 2021, only two (2) out of five (5) Shari'ah District Courts (SDCs) were presided over by a Judge, namely, the 4<sup>th</sup> Shari'ah District Court covering the provinces of Lanao del Norte and Lanao del Sur, and the Cities of Iligan and Marawi; and the 5<sup>th</sup> Shari'ah District Court covering the Provinces of Maguindanao, North Cotabato and Sultan Kudarat, and the City of Cotabato;

**WHEREAS**, the aforementioned list<sup>4</sup> also indicated that both the 4<sup>th</sup> and 5<sup>th</sup> SDCs were presided by one and the same judge, indicating therein that the Judge was on an Acting Capacity as Presiding Judge over the 5<sup>th</sup> SDC;

**WHEREAS**, as of today, the official website of the Supreme Court (SC) shows that the Presiding Judges for 1<sup>st</sup> SDC<sup>5</sup>, 2<sup>nd</sup> SDC<sup>6</sup>; 3<sup>rd</sup> SDC<sup>7</sup>; and 5<sup>th</sup> SDC<sup>8</sup>, are all vacant;

**WHEREAS**, the existence of these Shariah Courts with their respective jurisdictions is essential to the enforcement of the legal system of Filipino Muslims geared towards the attainment of a peaceful, systematic, and orderly life among them at pace with the aim to strengthen cultural communities in the country in the context of their respective parochial ways of life to bring about desirable results enhancing national solidarity and social justice;

**WHEREAS**, the perennial insufficiency of appointed Shariah Presiding Judges before our Shariah District Courts to try and hear judicial cases would result to the clogging of court dockets, which can eventually the effective and efficient administration of justice in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM);

**WHEREAS**, when legal redress is available but is not forthcoming in a timely and adequate fashion because of the unavailability of a decision-maker, is essentially the same to the lack of redress at all where a party to a case is entitled to a speedy hearing of cases before a proper judge expected to expedite the legal system;

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<sup>2</sup> <https://www.officialgazette.gov.ph/about/gov/judiciary/sc/briefer-jbc>

<sup>3</sup> <https://ncmf.gov.ph/wp-content/uploads/2022/12/UPDATED-SHARIAH-COURTS-AND-JUDGES-1.pdf>

<sup>4</sup> *Ibid.*

<sup>5</sup> <https://sc.judiciary.gov.ph/sulu-shariah-district-court-sdc-jolo>

<sup>6</sup> <https://sc.judiciary.gov.ph/tawi-tawi-shariah-district-court-sdc-bongao>

<sup>7</sup> <https://sc.judiciary.gov.ph/zamboanga-del-sur-shariah-district-court-sdc-zamboanga-city>

<sup>8</sup> <https://sc.judiciary.gov.ph/maguindanao-shariah-district-court-sdc-cotabato-city>

**WHEREAS**, if this setup is continuously left unattended by the Judicial and Bar Council, it can further result to more aggravated conflict between litigating parties, since the injured party with little hope for case resolution may resort to extra-judicial means to satisfy their respective claims and will inevitably transpire and conceive more complicated and or complex situations;

**WHEREAS**, as the interim government of the Bangsamoro Government, it is imperative for the Bangsamoro Transition Authority (BTA) Parliament to guarantee to every Bangsamoro or Muslim Filipino the enjoyment of his/her constitutional rights as enshrined by the Constitution and other pertinent laws;

**NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED**, by the Bangsamoro Transition Authority (BTA) Parliament to pass and approve this Resolution Requesting His Excellency President Ferdinand "Bongbong" R. Marcos, Jr., Through the Judicial and Bar Council (JBC) to Appoint Judges in Vacant Shari'a District Courts (SDCs) Established under Presidential Decree 1083, Otherwise Known as the "Code of Muslim Personal Laws of the Philippines";

**BE IT RESOLVED FURTHER**, that a copy of this Resolution be furnished to the Office of the President of the Philippines and to the Judicial and Bar Council (JBC) for their information and appropriate actions

Adopted,

  
**ENGR. BAIN TAN ADIL-AMPATUAN, MNSA**  
Author