

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5045



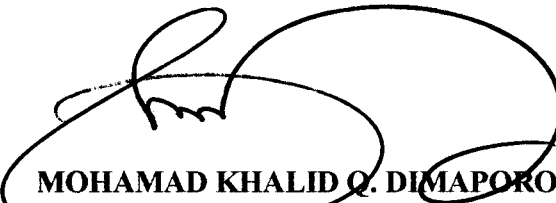
Introduced by Rep. Mohamad Khalid Q. Dimaporo

EXPLANATORY NOTE

Access to Shari'a Courts has been a recurring plight of many Muslim Filipinos. The promulgation of Presidential Decree No. 1083 or the Code of Muslim Personal Laws of the Philippines paved the way to the creation of Shari'a Courts in the Philippines, with exclusive jurisdiction on Muslim Personal Laws, which also includes the application and filing of entries to the Civil Registry for Muslim Filipinos. However, these Shari'a Courts were only established in the island of Mindanao. Recent migrations, inter-marriages and Balik-Islam increased the number of Muslim Filipinos outside of Mindanao, hence, there is a need to establish Shari'a Courts to accommodate the growing number of Muslim communities throughout the country. In the absence of Shari'a Courts within their Region, Muslim Filipinos outside Mindanao have to spend more just to file entries on the Civil Registry lodged within the office of the Clerk of Court of the Shari'a Courts in Mindanao.

This legislative measure thus seeks to rectify this present predicament by allowing and empowering the National Commission on Muslim Filipinos to act as a service provider for and on behalf of Muslim Filipinos to file and receive routine documents to the Shari'a Courts. This bill will also allow the creation of a digital platform in the pursuit of providing a paperless process on certain services of the Shari'a Courts, which can be more practical than the creation of new Shari'a Courts in relation to its functions as civil registrar of Muslim Filipinos.

In view of the foregoing, the passage of this bill is earnestly sought



MOHAMAD KHALID Q. DIMAPORO
1st District, Lanao del Norte

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AN ACT

AMENDING REPUBLIC ACT NO. 9997 OTHERWISE KNOWN AS THE NATIONAL COMMISSION ON MUSLIM FILIPINOS ACT OF 2009, TO PROVIDE MUSLIM FILIPINOS BETTER ACCESS TO SHARI'A COURTS IN ITS ABSENCE, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* – This Act shall be known as “The Shari’a Courts Accessibility Act of 2023”.

SECTION 2. Section 8 of Republic Act No. 9997 shall read as follows:

“Section 8. Powers and Functions. – To accomplish its mandate, the Commission shall have the following powers and functions:

- a. Provide advice ...;*
- b. Xxx*
- c. Xxx*
- d. Xxx*
- e. Xxx*
- f. Xxx*
- g. Xxx*
- h. Xxx*
- i. Xxx*
- j. Xxx*
- k. Xxx*
- l. Xxx*
- m. Xxx*
- n. Xxx*
- o. Xxx*
- p. Assist the Philippine Statistics Authority in conducting census on the actual population of Muslim Filipinos in the country;*
- q. Xxx*
- r. Xxx*
- s. Xxx*
- t. Xxx*
- u. Xxx*

- v. Xxx
- w. Xxx
- x. Xxx
- y. Xxx
- z. Xxx

- aa. To facilitate certain Shari'a Court Services to Muslim Filipinos, act as a service provider for filing of certain documents in the Shari'a Courts, and charge appropriate fees for such services;**
- bb. To pursue Public-Private Partnership Projects for the benefit of Muslim Filipinos**
- cc. *Promulgate such rules ...; and*
- dd. Xxx

SECTION 3. Section 11 (g) of Republic Act No. 9997 is hereby amended to read as follows:

“Section 11. Bureaus. – The Bureaus of the Commission shall consist of the ...

- (a). xxx*
- (b). xxx*
- (c). xxx*
- (d). xxx*
- (e). xxx*
- (f). xxx*

(g). Bureau of Legal Affairs – The Legal Affairs Bureau shall be responsible for providing Muslim Filipinos with legal education and assistance in case of litigation involving their persons or interests; act as the legal counsel of the Commission; and investigate cases involving its personnel and submit appropriate recommendations pertaining thereto. The Bureau shall also investigate valid complaints brought before the Commission.

[The Bureau of Legal Affairs shall be responsible for ensuring that Muslim Filipinos who have no access to Shari'a Courts within their Region can file the appropriate documents with respect to the special jurisdiction of Shari'a Courts as provided for in the succeeding section of this Act. The purpose of the Bureau will be to provide equitable access to the Shari'a Courts for all Muslim Filipinos. The required number of personnel and legal officers for the effective implementation of this Act shall be determined by the NCMF.]

SECTION 4. *Coordination between the Supreme Court and NCMF.* – The National Commission on Muslim Filipinos and the Supreme Court shall establish a mechanism to which the service of filing certain documents within the jurisdiction of the Shari'a Circuit and District Courts, such as, but not limited to, Title VI Chapter One of Presidential Decree No. 1083 otherwise known as the Code on Muslim Personal Laws of the Philippines, can be administered by the National Commission on Muslim Filipinos Bureau of Legal Affairs on behalf of Muslim Filipinos without access to Shari'a Courts in their Region.

A Memorandum of Understanding between NCMF and the Supreme Court shall be entered for the implementation of provisions of this Act and shall not in any way be construed as an impediment on the jurisdiction of the Courts.

SECTION 5. *Digital Transformation for Shari'a Court Services.* – The DICT and the NCMF shall pursue, in coordination with the Supreme Court, the creation of a digital platform that will allow paperless filing of routine documents, such as Marriage Certificate, Birth Certificate, Death Certificate as well as the collection of appropriate court fees for this purpose. The NCMF is also hereby authorized to pursue Public-Private Partnerships in this endeavor.

SECTION 6. *Statistics on Muslim Filipinos* – The Philippine Statistics Authority and the NCMF shall coordinate on the collection of statistics for Muslim Filipinos. The NCMF, the Clerk of Courts of the Shari'a Courts and the PSA shall produce an Annual Report on the Muslim Filipino population. The Annual Report shall include at the least the latest Census of Population of Muslim Filipinos, Muslim Births, Marriages, and Deaths for the year. The Statistics shall be presented in the National, Regional, Provincial, City, and Municipal levels.

SECTION 7. *Reportorial Provision* – The NCMF shall submit to Congress, in cognizance of its oversight functions, a report on the implementation of the provisions of this Act. Copies of this report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, the Chairperson of the House Committee on Muslim Affairs and the Chairperson of the Senate Committee on Cultural Communities and Muslim Affairs.

SECTION 8. *Appropriations.* – The amount necessary to implement the provisions of this Act shall be included in the General Appropriations Act.

SECTION 9. *Implementing Rules and Regulations (IRR)*- Within ninety (90) days from the approval of this Act, the Commission, in coordination with the Department of Budget and Management, and the Supreme Court of the Philippines, shall promulgate the necessary rules and regulations to implement the provisions of this Act.

SECTION 10. *Separability Clause.* – If any part or provision of this Act shall be held unconstitutional or invalid, other provisions which are not affected thereby shall continue to be in full force and effect.

SECTION 11. *Repealing Clause.* – All laws, decrees, orders, issuances, rules and regulations that are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 12. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,