

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Second Regular Session

***HOUSE BILL NO. 9152**



Introduced by Rep. Mohamad Khalid Q. Dimaporo

EXPLANATORY NOTE

This bill seeks to provide an exemption for the qualifications set under Section 8 of Article X of Republic Act No. 11054, otherwise known as the Bangsamoro Organic Law, for the appointment of Shari'ah High Court Justices. Bearing in mind the struggles of armed-conflict in the region, Shari'ah Counselors were not able to secure their admittance as regular members of the Philippine Bar. For this reason, and to allow the gains of the peace process to be preserved, competent Shari'ah Counselors shall be allowed to be appointed Justices of the Shari'ah High Court pending their compliance with the qualification requirements.

In view of the foregoing premises, the prompt approval of this measure is earnestly sought and recommended.

A handwritten signature in black ink, consisting of a large, stylized loop that encircles the text below it.

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

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HOUSE BILL NO. 9152

Introduced by Rep. Mohamad Khalid Q. Dimaporo

AN ACT AMENDING SECTION 8 ARTICLE X OF REPUBLIC ACT NO. 11054, THE ORGANIC LAW FOR THE BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO, FOR THE PURPOSE OF WAIVING THE REQUIREMENTS OF THE SUPREME COURT OF THE PHILIPPINES TO FACILITATE THE ENTRY OF COMPETENT SHARIAH COUNSELORS AS JUSTICES OF THE SHARIAH HIGH COURT

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

SECTION 1. Section 8 of Article X of RA 11054 or the Bangsamoro Organic Law, is hereby amended to include the following and read as follows:

"Section 8. Qualifications of Shari'ah Judges. –

- (a) Shari'ah Circuit Court – No person shall be appointed judge of the Shari'a Circuit Court unless a citizen of the Philippines who is a Muslim, a regular member of the Philippine Bar, at least thirty (30) years of age, must have been engaged in the practice of law for five (5) years or more, and has completed at least two (2) years of Shari'ah or Islamic Jurisprudence.
- (b) Shari'ah District Court – No person shall be appointed judge of the Shari'ah District Court unless a citizen of the Philippines who is a Muslim, a regular member of the Philippine Bar, at least thirty-five (35) years of age, must have been engaged in the practice of law for ten (10) years or more, and has completed at least two (2) years of Shari'ah or Islamic Jurisprudence.
- (c) Shari'ah High Court – No person shall be appointed as justice of the Shari'ah High Court unless a natural-born citizen of the Philippines who is a Muslim, a regular member of the Philippine Bar, at least forty (40) years of age, must have been engaged in the practice of law for fifteen (15) years or more, and has completed at least two (2) years of Shari'ah or Islamic Jurisprudence.

A Shari'ah Justice or Judge must be a person of competence, integrity, probity, and independence.

The Supreme Court may grant the incumbent Shari'ah District and Circuit Court judges who are not regular members of the Philippine Bar

a reasonable period within which to qualify, pending which they shall be allowed to continue discharging their duties.

THE SUPREME COURT MAY INITIATE A TRANSITION PLAN TO OPERATIONALIZE THE SHARIAH HIGH COURT FOR THE BANGSAMORO AUTONOMOUS REGION. THIS TRANSITION PLAN SHALL AUTHORIZE THE SUPREME COURT TO PROVIDE AN EXEMPTION ON THE QUALIFICATIONS FOR THE SHARIAH HIGH COURT JUSTICES UNDER PARAGRAPH (C) OF THIS SECTION TO HOLD OFFICE IN AN INTERIM CAPACITY. THE TRANSITION PLAN SHALL NOT EXCEED A PERIOD OF TEN (10) YEARS UPON RATIFICATION OF THIS ACT.

SECTION 2. Separability Clause. - If any section or provision of this Act is declared unconstitutional, the other section or provision not so declared shall continue to be in full force and effect.

SECTION 3. Repealing Clause. - All laws, decrees, orders, rules and regulations and other issuances or parts thereof, which are inconsistent with this Act, are hereby repealed or modified accordingly.

SECTION 4. Effectivity. - This Act shall take effect fifteen (15) days following its complete publication in the Official Gazette and in at least two (2) national newspapers of general circulation, and one (1) local newspaper of general circulation in the autonomous region.

Approved,