

Proceedings of the Shari'ah Forum: Harmonizing Roles, Addressing Challenges, and Moving Towards a Common Direction

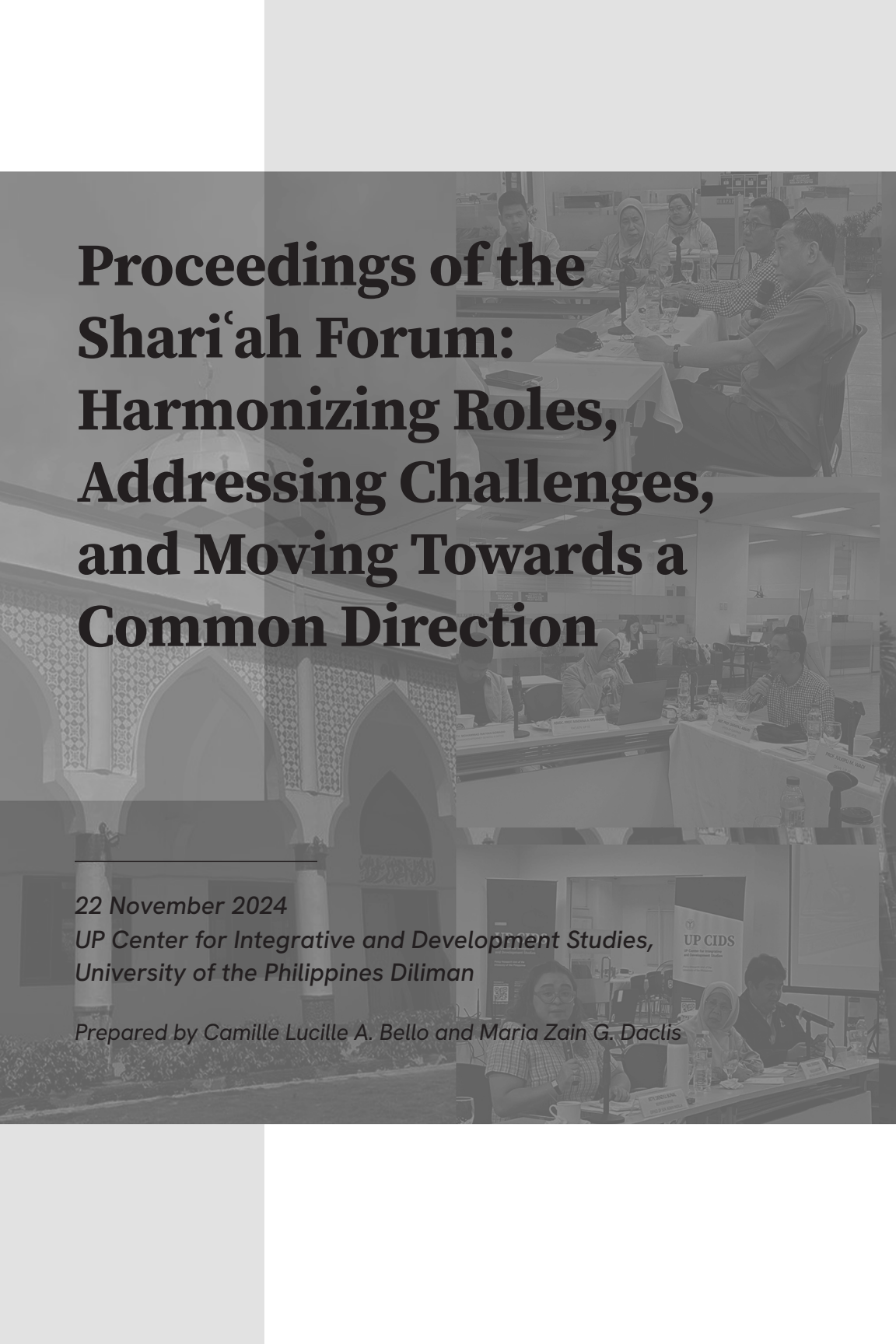
22 November 2024

UP Center for Integrative and Development Studies,
University of the Philippines Diliman

Prepared by Camille Lucille A. Bello and Maria Zain G. Daclis



UNIVERSITY OF THE PHILIPPINES
CENTER FOR
INTEGRATIVE AND
DEVELOPMENT
STUDIES



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"Resource persons share valuable insights during the Shari'ah Forum: Harmonizing Roles, Addressing Challenges, and Moving Towards a Common Direction held on November 22, 2024, against a backdrop featuring the iconic Sheikh Karimul Makhdom Mosque in Simunul, Tawi-Tawi"

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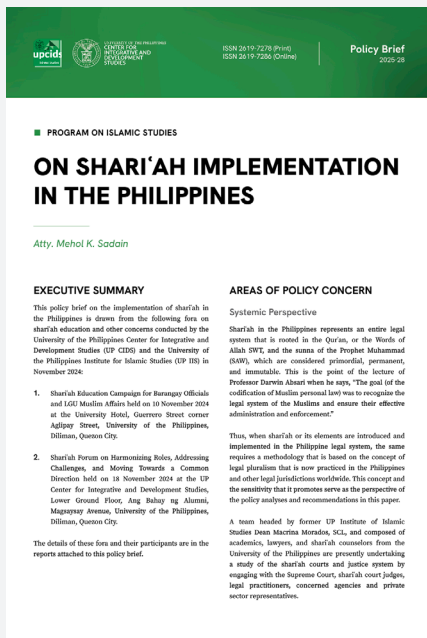
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About the Proceedings

These proceedings document the outcomes of the *Shari'ah Forum: Harmonizing Roles, Addressing Challenges, and Moving Towards a Common Direction*, a program under the UP CIDS–Islamic Studies Program's Shari'ah Law Project. This forum is especially timely given the significant developments in Islamic law since 1977, when President Marcos signed Presidential Decree No. 1083, or the Code of Muslim Personal Laws. This law became operational in 1985 with the establishment of shari'ah courts. Over the years, both national and regional governments have introduced numerous initiatives to enhance its implementation.

The Shari'ah Forum served as a platform for key stakeholders to present their projects, programs, and plans aimed at promoting, implementing, and developing Islamic law in the Philippines. It facilitated discussions on recent advancements, identified gaps, and gathered crucial data. Furthermore, it aimed to provide comprehensive information to government institutions, including the Supreme Court, which is expanding its Islamic law initiatives, as well as to policy-making bodies working on shari'ah-related legislation.

Participants included representatives from the National Commission on Muslim Filipinos, the Bangsamoro Autonomous Region in Muslim Mindanao, the Office of Senator Robinhood Padilla, the UP Institute of Islamic Studies, shari'ah practitioners, lawyers, and organizations.

This endeavor was organized by the Islamic Studies Program of the UP Center for Integrative and Development Studies, in collaboration with the UP Institute of Islamic Studies. The proceedings were documented and authored by Camille Lucille A. Bello and Maria Zain G. Daclis, project staff, with editorial contributions from Assistant Professor Darwin A. Absari.

Preliminaries

The forum was opened by Assistant Professor Darwin J. Absari, UP CIDS–Islamic Studies Program (ISP) convenor. He welcomed the participants and provided a brief background of the UP CIDS–ISP as one of the extension program facets of the UP Institute of Islamic Studies (IIS). He shared that Islamic law is one of the major programs of UP CIDS–ISP and IIS, where various efforts were exerted, such as educational campaigns and forums, to map out efforts, challenges, and ways to move forward. Assistant Professor Absari also mentioned that the UP CIDS–ISP conducted a Halal Forum wherein key offices and stakeholders who have roles in the Philippine Halal industry were invited. He related the forum to the shari’ah law ecosystem in the country, wherein there have been many government agencies involved. Still, there is no coordination and harmonization of functions and efforts. He further stated that this is why the UP CIDS–ISP and IIS decided to hold activities that could help strengthen shari’ah law in the Philippines and facilitate the harmonization of stakeholders’ endeavors.

Opening Message

Professor Julkipli M. Wadi

Dean, UP Institute of Islamic Studies

Professor Julkipli Wadi, Dean of IIS, thanked the participants for attending the forum to discuss a new chapter of forwarding shari’ah law in the Philippines. He provides further information on the background of UP CIDS–ISP as a University-wide strategic research center, holding several programs from various units in the UP System with respective integrative and development programs that produce publications, research, and extension. Professor Wadi explained that IIS is fortunate enough to have been given the opportunity to pursue the Islamic Studies program. Shari’ah, alongside Islamic finance and halal, is one of the flagship programs of UP CIDS–ISP. He further discussed that the areas of shari’ah, halal, and Islamic finance are highly important and

interconnected. Recognizing this connection paved the way for new trends in local, regional, and international development. Thus, the IIS and UP CIDS-ISP pursue the continuing research and studies on these subjects.

Professor Wadi then explained that the national government, through its various agencies and institutions, has been increasingly interested in harnessing shari'ah, Islamic finance, and halal. The focus is on the empowerment of communities in issues related to shari'ah. In relation to this, there has to be some connection or bridging program between the communities and the government. He added that there should be a kind of whole-nation approach in the pursuit of shari'ah. This can be achieved through understanding shari'ah and empowering our communities through continuous engagement among government agencies and collaboration with public and private institutions. He also emphasized that continuous engagement is needed to develop a comprehensive shari'ah law implementation in which every entity and every community will benefit and participate.

Comparing shari'ah in the Philippines to neighboring countries in Asia, Professor Wadi remarked that the Philippines' development is quite delayed. There is a need to examine the best practices of other countries and collaborate as one institution to address challenges and limitations, fill in the gaps, and bridge those points needed to further develop and evolve shari'ah in the country. On the aspect of information dissemination, Professor Wadi emphasized the need for communities to be informed that shari'ah courts are available outside BARMM. They do not have to go to Basilan, Sulu, or Cotabato.

Finally, Professor Wadi ended his opening remarks by saying that strengthening shari'ah is a development that everyone should embrace. It is not only beneficial for the Muslim community, but it will also open an interest in the government to be able to enrich the legal producing tradition in the Philippines. Lastly, he encouraged the participants to take part as communities and as agencies and help the majority of the community to open up and to make them aware of the benefits of shari'ah, halal, and Islamic finance.

PRESENTATIONS

Roles, Programs, and Challenges

UP Center for Integrative and Development Studies–Islamic Studies Program and UP Institute of Islamic Studies

Assistant Professor Darwin J. Absari

Convenor, UP CIDS–ISP

Faculty Member, UP IIS

Before proceeding to the presentation of resource persons from key agencies, Asst. Prof. Absari shared his experience of how Islamic law became part of the UP CIDS–ISP flagship programs. He recalled that it started as a project on the assessment of Shari’ah courts and Islamic law in the Philippines. In this project, Prof. Absari went around Zamboanga, Basilan, Sulu, and Tawi-Tawi (Zambasulta), where he visited various shari’ah courts and interviewed judges. He was disheartened with the situation of some shari’ah courts that don’t have electricity, have no water, and even have no cabinets to store their files. Since then, Assistant Professor Absari realized that one of the reasons why shari’ah courts in terms of facilities are not so good is because it is not popular among Muslims. As a result of his findings, he submitted a report to Associate Professor Macrina Morados, who was at that time the dean of IIS and convenor of the UP CIDS–ISP, and that is the start of efforts in the shari’ah education campaign.

Assistant Professor Absari shared some of his memorable interviews and encounters related to this project, such as meetings with the governors of Tawi-Tawi, Sulu, and Basilan. According to one of the judges that he interviewed in Jolo, the Governor of Sulu once invited all the barangay captains in Sulu and shari'ah lawyers to have an orientation about Presidential Decree (PD) No. 1083. He also shared his interview with the legal division of the National Commission on Muslim Filipinos (NCMF) in Region 9, where he found out that due to a lack of funds, the personnel in that office contribute ₱100 to ₱200.00 from their salary to come up with funds to visit communities during the weekends and even stay for one to two days there. As a result, the remote areas that they visited became more aware of shari'ah, the family feuds in the area were reduced, the number of divorces declined, and the problems in the community became minimal. This is one of the best practices that Assistant Professor Absari wanted to replicate.

After the pandemic, the UPCIDS-ISP revived the endeavors of helping out government agencies in 2023. Assistant Professor. Absari explained that as an academic institution, UP CIDS-ISP intended to research, write about it, and organize gatherings similar to the ongoing Shari'ah Forum. He also mentioned that last year, in anticipation of Senator Robin Padilla's bill establishing shari'ah courts outside BARMM, the UP CIDS-ISP did an online shari'ah education campaign which was publicized on the IIS Facebook page and website, and attended by more than 60 people around Metro Manila. A few weeks ago, the UP CIDS-ISP also conducted an education campaign with barangay captains in Metro Manila with Muslim communities and LGU Muslim Coordinator's Offices. He also mentioned that after the said activity, the LGU Muslim Coordinator of Muntinlupa City called him, stating that they have funding for such a campaign and requested one for around 10,000 Muslim constituents.

Another important point Assistant Professor Absari discussed was the importance of educating the city and municipal officials who are non-Muslims so they know what their program is supporting and what collaborations they need to undertake. In the focus group discussions and key informant interviews that he facilitated, the unpopularity of Shari'ah is always the concern. He compared shari'ah to products being sold in the market. Even if there are a lot of products displayed in the market, if they are not promoted, the consumers will prefer the products that are familiar to them.

Assistant Professor Absari continued with explaining the three flagship programs of UP CIDS-ISP for this year: halal, shari'ah, and Islamic education. The UP CIDS-ISP tried to interrogate the effectiveness of the Arabic Language and Islamic Values Education (ALIVE) program in public schools with a pilot study in Zamboanga. The Program also investigated the concept of integration of private schools in the mainstream madrasah, and the necessary accreditation program. He also mentioned that in 2024, UP CIDS-ISP would also publish a discussion paper on halal, a policy brief on shari'ah, and a module in Islamic education. As for the year 2025, the UP CIDS-ISP, one of the projects will involve looking into the dynamics of the implementation of PD No. 1083 in the aspect of elopement, which is a prominent issue at the barangay level. This requires a very keen understanding of Islamic law because there are many concepts. Unfortunately, due to the lack of knowledge of the barangay captain, they often resort to the traditional justice system. The goal will be to be able to look at how to harmonize the traditional justice system and how to integrate it so there can be a more comprehensive resolution at the barangay level.

Assistant Professor Absari ended his presentation on the background of UP CIDS-ISP and the Shari'ah Forum by encouraging everyone to map out the efforts that their agency has been making, share future plans, and come up with a more harmonized program.

National Commission on Muslim Filipinos (NCMF)

Attorney Michael Mito-on Ali

Chief, Bureau of Legal Affairs, NCMF

Attorney Michael Mito-on Ali, Chief of the Bureau of Legal Affairs of NCMF, opened his presentation by taking the opportunity to echo the global endeavor of the round table discussion. Before being the Chief of the Bureau of Legal Affairs, he was the head of the Bureau of Muslim Cultural Affairs for two years. He then proceeded to discuss how the NCMF manages and promotes shari'ah. NCMF's participation in the development of the shari'ah profession in the Philippines can be summed up into two primary forms. One is the shari'ah training program. For more than 20 years, the Supreme Court of the Philippines has tasked the NCMF, through the Bureau of Muslim Cultural Affairs and its predecessor offices, to provide the necessary training required for a person to be allowed to take the Special Shari'ah Bar Examination. The latest Bar Matter 2716, which was passed in 2014, provided the latest guidelines being implemented by the Commission. However, in light of the developments in the past year around June 2023, the Supreme Court passed a resolution whereby they undertook to implement the special Shari'ah Bar as well as the training. Right now, the training program itself has been handed over to the Philippine Judicial Academy (PHILJA). However, NCMF continues to take part because PHILJA is not equipped to go to the regions or to specific locations where the majority of the trainees are. At the moment, the NCMF has an ongoing engagement with PHILJA to be their arms, legs, and eyes in the regions, so that it will be ensured that trainees will still get the same attention that they are accustomed to the NCMF providing training.

Part of the training program is identifying the specific training locations, coordinating with the lecturers, and providing the syllabus for which the training is to be administered. NCMF's syllabus is created through a long-term partnership with a lot of UP IIS professors, such as Associate Professor Macrina Morados, Attorney Mehol Sadain, and Professor Luqman Bin Usman Imam. Attorney. Ali also remarked that the NCMF's interaction with the IIS

has been long and fruitful, which the Commission hoped to continue. The terms of training include the collection of trainees' registration, provision of the actual training, and, eventually, issuance of the certificate of completion, which is under the Bar Matter 2716, the primary requirement for taking the Shari'ah Bar Exam.

Aside from training, NCMF facilitates assisting the Supreme Court in the application for taking the Special Bar Exam because the Supreme Court defers to the NCMF for its regional presence to garner necessary applications.

Attorney Ali further discussed one of the NCMF's flagship programs, in coordination with the Bureau of Legal Affairs is the community legal education program, where the NCMF goes down to the regions and down to community levels to provide information dissemination and technical education in relation to the PD No. 1083 and their rights. Attorney Ali fondly shared that despite the Supreme Court changing how it implements shari'ah training, NCMF was still able to secure additional funding from the Department of Budget and Management (DBM), which will allow their bureau to institutionalize their community legal education program. With this positive development, the Commission will be able to sponsor going down to at least three communities nationwide in 2025. This will aid one of the things pointed out by the Supreme Court to them, that Shari'ah is stagnant, or in Assistant Professor Absari's words, are "unpopular."

On the discussion of issues and challenges, Attorney. Ali shared that one of the biggest concerns is that people do not utilize the Shari'ah courts. Based on the cases shared by the Office of the Court Administrator to the NCMF, there are only around 500 cases from all active circuit courts. He further explained that such many cases are equivalent to those handled by the regular Metropolitan Trial Court. This is the reason why securing funds is difficult, because they might waste ₱70 million in operating expenses, though no one is filing cases. Thus, the Supreme Court let the NCMF focus on the delivery of training and care in the field. The Commission engages communities for the people to file cases and make use of the infrastructure for shari'ah. Attorney Ali also shared that he discussed the same concern with Congress. He argued that the creation of the court is just one. It will not be fruitful or complete if people do not patronize shari'ah courts. There is a need to tell the people to file cases there, tell the people to go to the courts, and tell them to use the

infrastructure. With additional funds that they recently obtained, for the year 2025, the Commission plans to go down to communities and bring shari'ah counselors who would personally engage the people.

Attorney Ali further explained that one of the fruits of their engagement with Congress, the Supreme Court, and the communities is the insights into the types of dispute resolutions on the ground. For example, there are thirteen tribes. All of these tribes have their separate modes of alternative dispute resolution. He gave an example of one dispute resolution process among the Maranao. From the community elder, the complaint will go to the Barangay Captain, the Mayor, and the Sultan of the area. Instead of going to shari'ah courts, people intend to go with the taxing process. He explained that it is highly important to overcome this kind of perspective because people need to know that there is a system in place. Before the passage of PD 1083, there was no shari'ah counselor, but now, there are.

Another shari'ah development discussed by Attorney Ali is the presence of Muslims in the legislation, such as a Muslim associate justice of the Supreme Court and a senator who is also a practicing Muslim. Their efforts resulted in the creation of additional shari'ah courts. He added that this opportunity to have support should be taken advantage of. The actual challenge is not up to the implementer, but instead, it is up to the community. That is the reason why providing training and education to the community is needed.

Attorney Ali also clarified that, as Senior Associate Justice Marivic Leonen said to them, training is not the end-all-be-all of the mandate of the Commission; it is just one of many. Part of education is training, but the underlying goal is to convince the communities to take advantage of the infrastructure that is being laid down. With the new budget granted to the Commission, NCMF will strengthen its community engagement, including collaboration with various shari'ah counselor associations and bar associations, to encourage them as well to go down to the community level and educate the people.

Another insight shared by Attorney Ali is that more regular lawyers need shari'ah counselors. As a practicing lawyer outside his government function, people assume that since he is a Muslim, he is also a shari'ah counselor, which is not the case. He explained that if shari'ah counselors are made front and center, there is a need for them because regular lawyers are looking for

them since there are many cases that require specialization in shari'ah. One of the support functions of the NCMF in this matter is the finalization of the curriculum with the Legal Education Board to include shari'ah as a part of the general law curriculum. In relation also to uplifting the shari'ah counselors, Attorney Ali also shared that the Commission has a pending conversation with Senator Robin Padilla regarding the amendment of RA No. 9997, which would provide the NCMF authority to hire shari'ah plantilla positions. Currently, a shari'ah position requires a second-level civil service eligibility, but it is not a plantilla item in the NCMF. Aside from this, he also mentioned that they are still waiting for the pending bill with Senator Padilla and Representative Mohamad Khalid Dimaporo. He emphasized that if the said bills are passed, shari'ah will be fully utilized, fully recognized, practiced, and implemented. He also commended the Supreme Court for putting in front and center that shari'ah education should not only be the literal one in the training, but rather educate the communities on how to make use of and how to fully realize the importance of shari'ah counselors because that is the only way that the recognition of shari'ah will move forward.

Attorney Ali also added that the NCMF has been assisting with their engagement with the legislature and other government stakeholders. The Commission assisted the Supreme Court in the passage of the creation of additional shari'ah courts from the first committee hearing up until the bicameral. In relation to the establishment of courts, the Commission also informed the legislators about other concerns, such as the BOL qualification for the shari'ah judges, which need to be addressed. The issue here is that even though there are efforts to encourage the public to go to the courts and to fine-tune the shari'ah counselors, the top level of the ecosystem, which are the judges, are about to retire, creating a conundrum that there will be no sitting judges in the courts.

Aside from the challenges brought by funding constraints, one of the challenges highlighted by Attorney Ali is access to shari'ah courts. This is now being addressed by the Supreme Court through its 2028 mission for better access and inclusivity. Considering that for all government branches, there is an effort to put shari'ah at the forefront, Atty. Ali recommended formalizing a body or an interagency that would work on policy-building, implementation, and monitoring. He further explained that shari'ah is not just a judicial system; the beauty of it is that it goes to the core of the community and interactions.

The Supreme Court is leading the way insofar as the practical judicial aspect of the field. However, upon hearing from the stakeholders, Attorney Tan pointed out that the shari'ah justice system is no longer about court decisions on divorce and settlement of estates alone because shari'ah is more than that. He added that having a formal body coming from different sectors, such as academic and executive sectors, will not only streamline but also fast-track the endeavors since the efforts of different agencies are similar, if not on the same track. Attorney Ali also emphasized that shari'ah is a burgeoning field, considering it a multibillion-dollar industry that includes halal and Islamic finance. The problem is that shari'ah is treated as just a personal loss, yet Islamic finance and halal are part and parcel of shari'ah as a legal notion. Therefore, shari'ah must have an interagency body to have everybody involved, including the stakeholders, and to have better coordination.

Attorney Ali ended his presentation by encouraging everyone to focus on what could be done moving forward. He added that shari'ah has the opportunity, support, and attention of the leadership in all branches. What needs to be done is to make it closer to the communities and persuade people to go to the courts.

Bangsamoro Autonomous Region in Muslim Mindanao (BARMM)

Attorney Mohammad Julkipli

Officer-in-Charge, Bangsamoro Attorney General's Office

Attorney Mohammad Julkipli, the officer-in-charge (OIC) of the Bangsamoro Attorney General's Office (BAGO), BARMM, opened his presentation by thanking the UP CIDS-ISP and IIS for giving BAGO the opportunity to share the roles, challenges, and plans of their office in relation to shari'ah. Attorney Julkipli explained that he came to the forum with the idea that it would be about the shari'ah as a legal system and the efforts of BAGO that are relevant to the shari'ah within the Bangsamoro system. However, upon hearing the opening remarks and rationale during the preliminaries of the program, he realized that there is actually a broader initiative that will tackle the other aspects that are also shari'ah but are beyond the judicial and legal fields, such as halal and Islamic finance.

He further discussed that BAGO has a limited reach in terms of BARMM's overall shari'ah programming, which includes halal and Islamic finance. The BARMM has its own Ministry of Trade, Tourism, and Industry, which serves as the focal agency when it comes to halal, alongside other members of the BARMM. Also, the Ministry of Finance, Budget, and Management oversees Islamic banking and finance activities. After framing the composition and jurisdictions of their units, Attorney Julkipli then discussed the creation of the Attorney General's Office and the said limitation of the office in the shari'ah programming of BARMM.

The Attorney General's Office was created under the Bangsamoro Organic Law (BOL). Its Charter of Office was defined by the interim Parliament, the Bangsamoro Transition Authority, through the enactment of the Bangsamoro Autonomy Act no. 5. The Charter of BAGO was then later integrated into the administrative code of the BARMM, the Bangsamoro Autonomy Act No 13. Both pieces of this legislation that created and organized the Attorney General's Office provided that part of the functions of the BAGO's Legal

Research and Opinions Division is to formulate and review shari'ah policies for the Bangsamoro region. He added that he wishes to discuss this in detail to clarify that although the Attorney General's Office may seem to be the office of the BARMM when it comes to shari'ah, based on the legal basis, there's only a small line that sort of made the office the de facto shari'ah agency. BAGO wasn't the exact office that takes care of the shari'ah programs or shari'ah policies for the region.

Attorney Julkipli further explained that in the Autonomous Region design, although the Attorney General's Office is the Chief Legal Counsel, it is not formally constituted as the counterpart of the Department of Justice (DOJ). Although it takes on a lot of parallel duties and responsibilities assigned by the DOJ when it comes to the administration of justice, there has been no formal and legal determination to that effect. The reason behind this is that when they were working on the BOL, the idea was that a lot of the administration of justice functions are reserved for the national government. Due to this, the BAGO has to contend with the assignment of looking at shari'ah as one of the three legs of the BAGO.

One of the challenges identified by Attorney Julkipli is the limitation of the BAGO's functions because a lot of the functions are still reserved for the national government. For example, the Supreme Court still supervises courts, and the DOJ handles prosecution. Prosecution is very important in the case of BARMM because in the BOL, among the additional jurisdictions conferred to Shari'ah courts within Bangsamoro are limited criminal jurisdictions. Shari'ah courts in BARMM would be expected to impose criminal penalties in the future, as well as hear and recite cases that are criminal in nature.

Attorney Julkipli also explained that the BOL contains a provision creating a Special Prosecution Service under the DOJ. When the BOL enacted the Administrative Code, it was also approved. The Bangsamoro Special Prosecution Service, as far as the Bangsamoro Administrative Board is concerned, has been established, except that it has not been organized yet. As of November 2024, the Bangsamoro government and the DOJ have not yet conversed regarding the creation of the special union on shari'ah cases within the DOJ's Special Prosecution Service. In theory, it can already be organized, but there is no impetus yet. Another important institution, alongside the Special Prosecution Service, is the Shari'ah Public Assistance Office. In effect,

this will be similar to a public attorney's office in the case of shari'ah courts. The administrative board already created the structure of these offices, but similar to the special prosecution service, it is not yet formally organized.

Attorney Julkipli continued by explaining that BAGO's shari'ah stamping program is working precisely on the three identified core institutions that will form part of the ecosystem of the Shari'ah Legal System of the BARMM, namely, the Shari'ah Prosecution Service, the Shari'ah Public Assistance Office, and the Shari'ah Academy. The BOL also provides that there should be an academy created for the BARMM. This will be one of the endeavors of BAGO to start and work on the initial policy and other groundwork so that it can be operationalized. These are the three components of the BAGO's Shari'ah pending initiatives for the year 2025. The proposal and budget for this initiative have already been approved by the parliament.

Attorney Julkipli also discussed that in the case of the Bangsamoro Legal System, Shari'ah is just one component. Hence, there is a tri-justice framework. Based on BOL, it is very clear that there are other legs of the Shari'ah of the Bangsamoro justice system. Apart from Shari'ah, BARMM has a regular legal system comprised of the regular courts and the prevailing criminal and civil laws. The third component is the Indigenous and tribal justice system. In the case of Bangsamoro, there must be a framework that is based on all three together because that is the Bangsamoro legal system. And talking about the power of the region over the administration of justice, incidentally, when you look at the Constitution, among the list of powers that are devolved to the region is the administration of justice. He further explained that it is very clear that the region is supposed to take on a very frontline role when it comes to executing the needs for a properly working legal system.

Attorney Julkipli also reported that in 2023, through the efforts of colleagues in the Attorney General's Office, and with the support of partners from the European Union (EU) program, BAGO was fortunate to be able to put together a lot of activities oriented towards the final crafting of the justice framework. Early this year, they were able to have the same adopted, and it is already with the Parliament's Committee on Justice, the Bangsamoro Justice System Committee. BAGO also plans to adopt the Bangsamoro tri-justice framework so that it can become the basis for the legislation that needs to be enacted by the Parliament concerning the setup and operationalization of the tri-justice

Bangsamoro system mandated in the BOL. He also added that BAGO also works on legal education, where they conducted a lot of initiatives working with the NCMF, and other partners, including the Legal Education Board, as well as the law schools themselves, so that they can support and extend assistance in the realm of legal education and training. In the aspect of training, BAGO also conducted special shari'ah training for the Special Shari'ah Bar Examinations. However, Attorney Julkipli also shared that, given the recent developments, for the year 2025, the BAGO will carry over their programs from the previous year and wait for what will be the eventual directions and directives of the Supreme Court about how to go about the training for those who are going to be candidates for the special Shari'ah bar.

In legal education, one of the initiatives of the Attorney General's Office is the tripartite agreement among the NCMF, the Legal Education Board, and the BARMM. They are working on a model that will be adopted so that the schools can now integrate it into their curriculum. This is also in line with the plan of the Supreme Court that eventually, shari'ah training should already be part and parcel of the general law curriculum. Meaning, those who intend to become shari'ah lawyers must be graduates of law schools offering both regular and shari'ah law courses. So that they take the regular law course, they obtain a regular law degree, but because of the integration of the shari'ah curriculum, they can just opt to take that as a special track and apply for the shari'ah bar to become certified both as members of the regular bar and as a shari'ah practitioner. That is the long-term and medium-term vision of the court so that they can easily go away with the distinction between regular lawyers and special shari'ah counselors. The idea is that all practitioners in the courts, whether regular courts or shari'ah courts, are legal professionals and legal practitioners without any distinction. Atty. Ali also emphasized that it is a very important step now to go to new schools and introduce them more necessarily, so they can also become prepared for this eventuality. This is a development the BARMM is very keen on supporting.

Attorney Julkipli also reported the Attorney General's Office's efforts in supporting law schools, especially new ones. He also reported that BAGO went to Tawi-Tawi for the signing of a Memorandum of Agreement with MSU Tawi-Tawi College Law Extension Program for future areas of collaboration and general support of partners from the EU and Suporta sa Bangsamoro Transition (SUBATRA), giving law books, shari'ah references, and other

materials for their library, because these are very new law programs, and for the first time, there is already a law school in Tawi-Tawi. BAGO also assists Mindanao State University in making its law program successful because BAGO believes that it is important that all areas of the BARMM can provide quality legal training and education to its citizens wherever they are.

To conclude his presentation, Attorney Julkipli admitted that though BARMM also has several programs related to shari'ah, his observation is that there is no integration initiative to check if the agencies are working collaboratively and are able to check who is doing what that is not yet happening. He explained that in the case of BARMM, because of the nature of shari'ah being spread across various sectors and ministries, there is a tendency towards the creation of silos. Attorney Julkipli also updated the participants that in the 2025 expenditure program of BARMM, there is already a shari'ah court support program with a 30 million budget for the region, which will be used to support the existing shari'ah courts. This will allow shari'ah courts within the region to receive support for their day-to-day operational requirements, including facilities and spaces.

Efforts Related to Shari'ah Law in the Philippines

Associate Professor Macrina A. Morados

Senior Shari'ah Expert and UP IIS Faculty

Team Leader, Institutional Review and Assessment of the Shari'ah Justice System (IRA-SJS)

Associate Professor Macrina A. Morados, a UP IIS Faculty member and a senior Shari'ah expert, led the presentation on other efforts relevant to strengthening Shari'ah law in the Philippines. She is the team leader of the ongoing project entitled Institutional Review and Assessment of the Shari'ah Justice System. This project is supported by Governance for Justice (GOJUST), SUBATRA, the EU, Spanish Cooperation, and the lead institution, the Supreme Court of the Philippines. Associate Professor Morados began her presentation by explaining that the Shari'ah justice system in the Philippines is crucial for providing justice to the Muslim population, especially in Bangsamoro and Muslims residing outside BARMM. She further explains that the system faces significant challenges, including limited resources, inadequate infrastructure, a lack of qualified personnel, and low levels of awareness and accessibility.

Associate Professor Morados proceeded to discuss the background and rationale of the Institutional Review and Assessment of the Shari'ah Justice System (IRA-SJS) project. The SUBATRA Justice and Society Project and GOJUST II Programme are conducting an institutional review and assessment to identify the strengths, weaknesses, opportunities, and challenges of the shari'ah justice system. They aim to make evidence-based recommendations to enhance the system in line with principles of justice, equity, and inclusivity. It is a very comprehensive study that not only looks at the justice system itself but also includes other challenges related to the efficiency of the shari'ah courts, such as the infra-component, the human resource component, and awareness of the people patronizing the shari'ah courts.

The IRA-SJS team employed a mixed method approach, including desk review, stakeholder engagement, and primary data collection through key informant

interviews, focus group discussions, round table discussions, and a potential survey, which is based on gender equality and social inclusion, with a timeline until February 2025. The review will produce a final report with findings and recommendations for strengthening the Shari'ah justice system, along with other knowledge products and dissemination activities. This supports the SUBATRA and GOJUST II goals of promoting peace, justice, and inclusive development in BARM.

Associate Professor Morados then briefly discussed the complex history of the Shari'ah justice system rooted in the Islamic faith and the unique cultural heritage of Muslim communities, especially in the southern region of Mindanao. Established formally by Presidential Decree No. 1083 in 1977, the system governs Islamic personal laws on matters like marriage, divorce, inheritance, and property relations among Muslims. While there is PD No. 1083, there are key challenges, such as limited organization and operationalization of shari'ah courts. The passage of BOL opened new opportunities for strengthening the system in the BARMM, emphasizing the need for careful implementation and planning. Associate Professor Morados also mentioned that the Supreme Court's Strategic Plan for Judicial Innovations 2020–2027 aimed to strengthen the justice system in the Philippines, including shari'ah. The output of IRA-SJS will be the basis of the Supreme Court in implementing programs and innovations solely for the shari'ah justice system.

The Bangsamoro Government, led by Honorable Ahod Ibrahim, supports Supreme Court initiatives to enhance the shari'ah justice system, aligning with its vision for the Bangsamoro justice system. In the conduct of the review, the team anchors the study on past research as follows:

- **Institutional Strengthening of the Shari'ah Justice System (Phase 1).** A 2004 comprehensive study by the United Nations Development Programme (UNDP), the Supreme Court of the Philippines, and CPRM Consultants Inc. reviewed the shari'ah justice system's performance. It identified strengths and weaknesses, examined societal and cultural contexts, and provided reform recommendations, such as promoting the rule of law, strengthening shari'ah legal education, and establishing an Islamic Justice Institute.

- **The Code of Muslim Personal Laws in Practice.** What Influential Muslims and Shari'ah Lawyers Think, 2007. This study by Guerrero et al. examined perceptions of influential Muslims and shari'ah lawyers on the accessibility and alignment of the Code of Muslim Personal Laws (CMPL) with shari'ah. It emphasized the need to enhance CMPL implementation by expanding shari'ah courts' jurisdiction, strengthening shari'ah legal education, and fully operationalizing a shari'ah judicial system in the Philippines.
- **Pilipina Resources Legal Center, Inc. (PLRC).** A survey highlighted key challenges in the shari'ah justice system, including a gap between existing and mandated courts, a lack of appointments and infrastructure, low awareness among Muslim communities, and insufficient budgetary support from local governments.
- **“Reforming the Administration of Shari'ah Law System in the Philippines (An Assessment and Study of the Shari'ah Court Administration: Performance and Proposed Reforms to the Institution).”** Attorney Patrick Velez's master's thesis was submitted to the UP IIS in 2022 as part of the MA Islamic Studies program requirements. The thesis underscored the importance of addressing the challenges related to accessibility, awareness, and competency-building of judges and court personnel to enhance the effectiveness and responsiveness of the system. The study also noted the need for material aid, legal outreach, and education to support the shari'ah courts.
- **FGD: Crafting of Shari'ah Modules through Collaborative Discourse among Shari'ah Court Judges.** A March 2024 focus group discussion in Davao City revealed a need to fortify Shari'ah Courts and refine processes. Key areas include legal education for practitioners and judges, developing service process flows, and enhancing information dissemination. Initial modules will cover Shari'ah Court Procedure, Fundamental Writing Decisions for Judges, and flow charts of Shari'ah Legal and Civil Registration Services. Administrative and infrastructure challenges were also identified.

- **Legal Hybridity, Trust, and Legitimacy of the Shari’ah Court in the Bangsamoro.** The study stressed that the identified areas must be addressed for the BARMM’s ongoing evolution and moral governance. It emphasized the shari’ah court system’s crucial role in the post-conflict reconstruction of Bangsamoro, highlighting its significance in pursuing social justice.

Associate Professor Morados highlighted the Insights that they obtained from the mentioned research, which includes the following:

- The findings of the performance assessments of the Shari’ah justice system conducted around 20 years ago reveal that the same problems are still present, such as income problems, lack of personnel, lack of qualification of judges, and reorganization of Shari’ah courts.
- Shari’ah courts are not popular. Even Muslims go to the traditional courts instead of shari’ah courts. However, according to the Supreme Court, traditional courts can no longer intervene when it comes to the justice system, and the decisions that will be recognized will come from the court. Because of this, the practice of the traditional courts is after coming up with a decision, they would go to the jury court and ask the judge to write a decision to be imposed.

Associate Professor Morados then enumerated the following specific objectives of the review and assessment:

1. Conduct a review of the overall performance of the shari’ah justice system, including an assessment of the administrative structure and operating systems context in the Judiciary in which the shari’ah courts operate.
2. Identify the strengths and weaknesses in the various aspects of the shari’ah justice system that promote or hinder their efficiency and/or effectiveness and responsiveness, especially as it impacts the poor and marginalized, such as women, people with disabilities, living in geographically isolated and disadvantaged areas (GIDA) or in Moro diaspora communities, among others.

3. Examine the societal and cultural contexts (internal environment) as well as identify the opportunities and threats (external environment) that affect the functioning of a sound shari'ah system.
4. Assess the jurisdiction of shari'ah courts, to include both criminal and commercial cases, create additional shari'ah courts outside the BARMM, study the implications on the current Shari'ah courts within the BARMM, and consider the feasibility of organizing the Shari'ah High Court under Article X, Section 7 of Republic Act No. 11054.
5. In relation to number 4 above, to recommend amendments to Batas Pambansa Blg. 129 (An Act Reorganizing the Judiciary) as it relates to the shari'ah courts.
6. Assess the qualifications for appointment to Shari'ah District and Circuit Courts and eligibility to practice before shari'ah courts, including the training/competencies required for shari'ah judges and practitioners.

Associate Professor Morados ended her presentation by introducing the members of the IRA-SJS team and their contributions to the project. She then welcomed Attorney Patrick Velez, a member of the IRA-SJS team, to present the unofficial findings of the ongoing institutional review assessment.

Presentation of the Initial Findings of the IRA-SJS

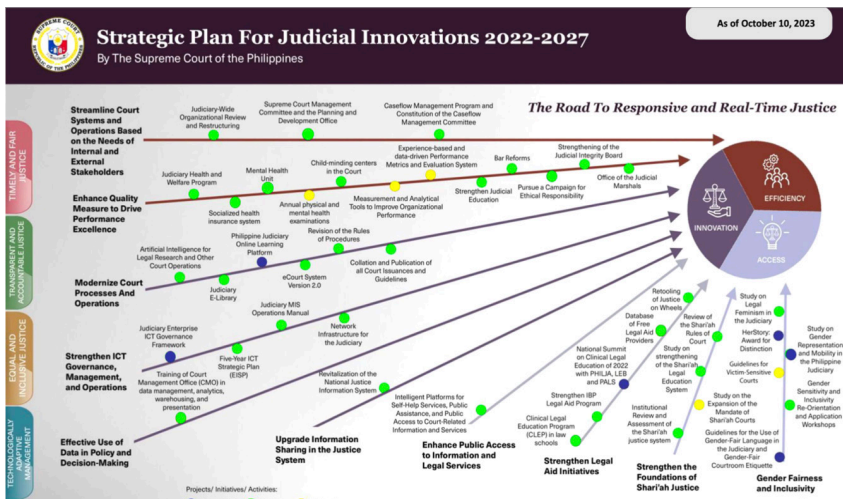
Attorney Patrick M. Velez

Senior Organizational Development Expert

Attorney Patrick Velez opened his presentation by explaining that because the institutional review and assessment are still ongoing, he will share the highlights of some of the information that they gathered from their efforts in this ongoing endeavor. Reiterating Associate Professor Morados' introduction, he explained that the institutional review and assessment is part and parcel of the Supreme Court's Strategic Plan for Jurisdiction 2022–2027, with emphasis on moving towards greater efficiency, innovations in the process of dispensing justice, and also the importance of providing access to everyone, including those who are less fortunate.

Attorney Velez further explained that their study took off from the mentioned 2004 UNDP study, which focused on the problems, challenges, and the counterpoint to the real justice system. Since the study was done 20 years ago, there is a need to revalidate, update, and make it more applicable under the present situation. In relation to this, they conducted four focus group discussions specifically in Davao with members of Parliament (MPs) and judges of Shari'ah courts. They have also conducted key informant interviews with the court administrator for the details pertaining to operations and financial management. Aside from the interviews, Attorney Velez also shared that the IRA-SJS also intends to make presentations to key stakeholders, including NCMF, Congress's Committee on Muslim Affairs, and MPs of the BARMM, to gather their inputs on the initial findings of IRA-SJS. They also plan to have a special meeting in the Senate, because while there is only one Muslim in the Senate, there are many who would be very much interested in affairs involving Muslims in the country.

Attorney Velez also presented the illustration of the whole framework of the Supreme Court's strategic plan for judicial innovation, wherein he showed that there is a particular section that deals with shari'ah.



■ Figure 1.

However, he also mentioned that the IRA-SJS team deems that there should be a separate shari'ah judicial framework that allows for a roadmap for shari'ah. Based on the existing law, there should already have been an established Shari'ah High Court. But in the meantime, while the Shari'ah High Court was not established, the different shari'ah courts exercised their relationship with the Court of Appeals, wherein non-Muslims will be deciding on Muslim or Islamic thought, which is difficult because that requires the law of justice in the Court of Appeals and that takes three justice demands. Atty. Velez remarked that this system has to be improved.

For the process of FTT, what the team did is an innovation in a smooth analysis. They just took the idea, the present situation, the challenges, and proposed solutions. Based on the initial findings, Attorney Velez presented the common themes that repeat themselves in all of the sessions on how respondents view the shari'ah justice system:

1. It should be responsive. It should effectively address the needs of the Muslim community.
2. It should be practical. The system should be easy to access and navigate. This all goes to location, number of courts, distance, and access to new technology.

3. It should be evolving. It should adapt to modern standards and technology.
4. Decisions should find a balance between traditional and modern legal principles.
5. Current reality and existing challenges mostly stem from the lack of awareness among Muslims.
6. Accessibility is limited because of the location and the number of courts. No one wants to go due to geographical difficulty and the lack of new justice halls, which Muslims would be proud of.
7. Shari'ah courts tend to be distant and unfamiliar. The system can feel intimidating and inaccessible to ordinary people.
8. There is a lack of integration. Shari'ah law is not well integrated into the broader legal and educational systems.
9. Shari'ah law currently has a limited scope. The current system primarily focuses on personal law and does not encompass other areas like business or criminal law.
10. Shari'ah is underutilized. Many Muslims prefer to resolve disputes with traditional leaders rather than Shari'ah courts.
11. Institutionalization challenges affect shari'ah. Shari'ah courts often lack the necessary infrastructure and resources to function effectively. In relation to this, Attorney Velez noted that of 51 Shari'ah courts, only 21 are filled up. And by next year, 12 judges from the 21 courts will retire. He added that there is a realistic problem when it comes to the dispensation of justice in the near future because there is a lack of judges. This also goes to the question of the capacity to fill up the new courts under the new law.

Attorney Velez also discussed the equality theory of court efficiency. He explained that the core efficiency is directly related to the respect and support that it gets. It becomes more efficient when it is provided with respect by

everyone. The improved idea of the state of the court is towards the increased disposition of cases in composting and the provision of improvements and offices. It is more on the administration of shari'ah than its rules. The thesis that IRA-SJS would want to push through the Supreme Court is to support shari'ah now, and if there is a necessity to judge how effective the system is, that can follow after the support has been given.

For the recommended solutions, the IRA-SJS proposes the following immediate and long-term actions:

1. Shari'ah counselors should be accredited by the Integrated Bar of the Philippines (IBP) as part of its special members. Attorney Velez explained that shari'ah counselors do not have an existing code of ethics. In becoming a special member of IDP, Shari'ah counselors will undergo professional regulation, which is necessary because Shari'ah counselors are also practicing the law professionally.
2. Shari'ah should be integrated, and shari'ah courts should be expanded. The new law comes with a need to fill up the new courts, including Shari'ah High Courts, which have always been in BOL, and the earlier law, CMPL, but have never been filled up. These should be part of the amendments of the Batas Pambansa (BP) Blg. 129, which does not include the Shari'ah High Court.
3. The members of the Judiciary have suggested special training for Muslim judges. Due to the scarcity of Shari'ah judges, the current situation is that the assigned judge will seldom go the court. This results in postponement and delays of the processes, which compromise the efficiency of the courts.
4. Establishment of a special pre-judicature program for shari'ah, similar to the requirement for the regular court judges. Right now, the Philippine Judicial Academy (PHILJA) handles all court requirements. Eventually, there should be a Judicial Academy that can perform this function with the Supreme Court so that requirements will be met.

5. Due to the lack of judges, the Supreme Court recommended a moratorium on the requirement for Circuit Court Judges until such time that ACLs are able to take the appropriate number to be members of the regular file.
6. There should be a special court administrator for shari'ah to focus on its requirements. Currently, Shari'ah courts are under the supervision of the Court Administrator for Mindanao.
7. Mainstreaming shari'ah includes awareness campaigns and the use of immediate technological innovations.
8. Come up with a course on justice and make shari'ah part of basic education, at least a very small portion of it.
9. To cater to the clientele that is situated mountains from the courts, it is recommended to have something similar to the Supreme Court's Justice on Wheels program.
10. Establish a doctorate in technological innovations, wherein BARMM will be able to establish an infrastructure that would help innovations in technology.
11. Resolve the issues of jurisdiction. Attorney Velez mentioned that he heard from Shari'ah courts that cases involving Muslims are now being dismissed by the regular courts so that they can be tried in Shari'ah courts.
12. Create a comprehensive compilation of the code of shari'ah, which will already include not only personal laws but also Islamic commercial laws.
13. Improve human resources. Many of the staff who support the judges are not well-trained to perform financial functions, support functions, and adapt to technology and technological requirements.

Another salient point shared by Attorney Velez is the observation of the judges who participated in the review's FGD. He mentions that shari'ah for Muslims is a tool for equity and the dispensation of judges. The majority of those who avail of the services of shari'ah courts are women, not men. This becomes

an equalizing factor between men and women in the Islamic culture. Also, this is for the benefit of common children. But it has to go beyond issues of support, inheritance, and relations. We have to understand that shari'ah is a platform that will require Muslims, men, and women to comply with Islamic responsibilities. That is how important shari'ah is to Muslims in the country. Attorney Velez ended his presentation by quoting a report of Abdul Ali Kumar, Sahih al-Bukhari 7138,¹ Sahih Muslim 1829,² that talks about everyone being a shepherd, which encapsulates that it is the responsibility of all to understand.

1 Narrated `Abdullah bin `Umar: Allah's Messenger (ﷺ) said, "Surely! Everyone of you is a guardian and is responsible for his charges."

2 It has been narrated on the authority of Ibn 'Umar that the Prophet (May be upon him) said: Beware. every one of you is a shepherd and every one is answerable with regard to his flock.

Roundtable Discussion

Before proceeding to the open forum, Assistant Professor Absari shared that one of the dominant challenges was access to shari'ah courts. With recent developments, particularly the passage of a bill authored by Senator Robin Padilla into law, this issue has been brought into focus. To elaborate on the new law and provide updates on other legislative measures submitted by Senator Padilla's office for the benefit of Muslims, Assistant Professor Absari introduced Attorney Mary Denzyl Bunal, who represented the Office of Senator Padilla.

Updates on the Bills Submitted by Senator Padilla

Attorney Mary Denzyl Bunal

*Representative, Office of Senator Robinhood Padilla
Senate of the Philippines*

1. **Senate Bill No. 1237:** Muslim Filipinos, Indigenous Peoples, and Other Denominations Access to Public Cemeteries Act. This bill recognizes the importance of proper burial for Muslim Filipinos, Indigenous peoples, and other denominations by providing appropriate burial grounds in public cemeteries, allocating funds for its implementation, and addressing related concerns. Attorney Bunal reported that the bill is currently pending its second reading under the Senate's Special Order.
2. **Senate Bill No. 1410:** National Day for Awareness on the Hijab and Other Traditional Garments and Attire. This bill, also referred to as the "National Hijab Day," is currently in the Conference Committee on Cultural Communities and Muslim Affairs. Atty. Bunal noted that both

the Senate and the House of Representatives have designated conferees to align provisions between Senate Bill No. 1410 and House Bill No. 5693.

3. **Senate Bill No. 1616:** Sheikh Karim'ul Makdum Day. This bill, which designates November 7 as Sheikh Karim'ul Makd'um Day, has been approved on second reading in the Senate with 21 senators in favor. It is now awaiting action in the House of Representatives. Attorney Bunal also mentioned a letter from the University of the Philippines highlighting the historical significance of 7 November, which is being considered as the legislation progresses.
4. **Senate Bill No. 2288:** Establishment of Muslim Prayer Rooms in All Public Offices and Establishments. This bill proposes the establishment of Muslim prayer rooms in public offices and establishments. It has passed its first reading and is currently pending in the Committee on Cultural Communities and Muslim Affairs.
5. **Senate Bill No. 2613:** Equitable Access to Shari'ah Courts. This bill amends Republic Act No. 9997, also known as the National Commission on Muslim Filipinos Act of 2009. It seeks to improve access to shari'ah courts by enhancing the commission's powers, streamlining court submissions, and introducing digital transformation for shari'ah court services. Additional provisions include statistical data collection on Muslim Filipinos and annual reporting requirements. The bill is currently pending its second reading.
6. **Senate Bill No. 2819:** Amending Article I, Section 5 of Republic Act No. 9997. This amendment aims to strengthen the inclusivity of the National Commission on Muslim Filipinos by ensuring broader representation, including the addition of a commissioner from the Balik-Islam community. The bill is pending in the Committee on Cultural Communities and Muslim Affairs.
7. **Senate Bill No. 2452:** NCMF Reform Act of 2023. This bill proposes reforms to relieve the National Commission on Muslim Filipinos of the operational responsibilities for the annual hajj, transferring these duties to private travel service providers. It has passed its first reading and is awaiting further action in the Committee on Cultural Communities and Muslim Affairs.

8. **Senate Bill No. 2875:** Charter of the Kutawato Province. This proposed legislation pertains to the Special Geographic Area (SGA), which comprises 63 barangays that voted to join the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) in 2019 but were disenfranchised at the provincial level. The bill aims to cluster these barangays into municipalities, which will collectively form the proposed province of Kutawato.

Open Forum

The second part of the program was an open forum moderated by Professor Julkipli Wadi, Dean of the UP Institute of Islamic Studies. The questions focused on digital access to shari'ah courts, issues affecting the NCMF, amending the NCMF Charter, the popularization of shari'ah courts, amending PD No. 1083 to cater to making shari'ah known, and establishing institutional collaborations.

In response to the questions on digital access to shari'ah courts, including paperless transactions, Attorney Ali noted two efforts to improve access to shari'ah courts: the "Better Access" Bill filed by Lanao del Norte Representative Mohamad Khalid Dimaporo, and the creation of shari'ah courts. Attorney Ali further discussed the aims of the "Better Access" Bill: to equip NCMF offices so that clients can go there directly to process civil registry documents, and to allow the NCMF to conduct a census of Muslim communities independently of the Philippine Statistics Authority (PSA). The bill also seeks to allow NCMF to create plantilla positions for shari'ah counselors to facilitate legal assistance. Representative Dimaporo's bill complements the creation of shari'ah courts, especially in Luzon, which has only one Shari'ah District Court and four shari'ah courts.

Professor Wadi raises concerns regarding the differences between the Bangsamoro government and the NCMF's perspectives on institutional development. He is concerned particularly with how NCMF no longer primarily handles halal certification, how hajj pilgrimages are being privatized, and how the Supreme Court oversees shari'ah review. He is concerned with the nature of the amendments to the NCMF charter, especially as it deals with concerns from Muslims outside BARMM. Fearing the risk for the NCMF to become obsolete, Professor Wadi asked whether the issue involves policy deficiencies, difficulty in understanding, or internal issues. Attorney Ali responded by acknowledging the issues that affect the NCMF, citing his engagements with the agency and with the Supreme Court. The Supreme Court may have the resources, but it struggled in the implementation of shari'ah training. Meanwhile, the NCMF, through the Bureau of Legal Affairs, has had experience for 30 years in operating shari'ah courts, advancing the

Better Access Bill, and working with the Bangsamoro government. However, shifts in responsibilities have resulted in challenges, not only affecting shari'ah but also halal certification and hajj operations. The political climate within the NCMF has also contributed to tensions, especially as employees have voiced their opposition to the removal of functions. Attorney Ali is concerned with how the loss of functions affects the institution as a whole. Professor Wadi also raised a question regarding the enactment of a new law to empower the NCMF to gain executive responsibilities, as well as legislative and judicial branches, as well as a clear organizational structure to cater to the demands of the organization. Attorney Ali noted challenges in the continuity of leadership, with NCMF secretaries being replaced constantly. Attorney Ali points out that NCMF appointments ought to "prioritize individuals who are genuinely committed to the agency's causes, such as halal advocacy or hajj management." He cites the example of Sheikh Sabuddin N. Abdurahim, whose 20-year experience helped cement his qualification to serve as the current NCMF Secretary. Yet the political character of appointments has led to appointees learning about the tasks after being sworn in, and the budgets were at the mercy of the legislature. The NCMF is also concerned with the need to strengthen leadership, with two-year terms not being enough, and ensuring that Muslims head the committees that directly concern Islamic practices.

Professor Wadi further inquired regarding NCMF's framework to address leadership concerns. Attorney Sadain voiced his concerns with the current state of the NCMF, especially with PHILJA taking over shari'ah training. He found out that lecturers in a 10-day shari'ah training program in Zamboanga were not compensated for their travel and meal expenses. In addition, non-Muslims have been heading the Halal Board. Noting the particularly Islamic and spiritual character of shari'ah, hajj, and halal, Attorney Sadain noted current concerns with RA No. 9997 in its current form. Meanwhile, Attorney Ali noted how private hajj pilgrimage agencies lack the needed experience to effectively implement hajj policies. As such, it cannot be bound to Saudi Arabia's Ministry of Hajj and Umrah, and private operators might not be recognized. Attorney Ali argued that the separation of the Church and State "should not be used to justify the dilution of the NCMF's functions." He considers revisiting the NCMF charter, considering that it might already need amendments and recognizing the role of a more empowered BARMM and the role of the Ministry of Cultural Communities and Muslim Affairs.

Assistant Professor Absari presented his insights into popularizing shari'ah through the UP IIS and BAGO, as well as Attorney Haron's efforts in reaching out to communities. He asked Attorney Ali about his grassroots plans. Attorney Ali cited community education programs of the NCMF through the Regional Legal Affairs Office. The budget allocation for the NCMF Bureau for Legal Affairs increased, with ₱5.4 million dedicated to shari'ah initiatives and ₱2 million dedicated to community engagement activities. These initiatives, such as one conducted in Cagayan de Oro, would take two to three sessions and are coordinated with local governments. They are also working on collaborating with private shari'ah counselors. Assistant Professor Absari further gave examples. Sulu Governor Mujiv Hataman gathered barangay captains in the ZAMBASULTA area and hired shari'ah counselors to give lectures on PD No. 1083. He noted that the barangay captains were not familiar with PD No. 1083 and shari'ah courts. Therefore, he suggested that NCMF adopt an approach to community education and partner with academic and even private institutions. There have been talks with the UP CIDS-IIS and with Governor Hataman (through Attorney Sadain) to conduct this shari'ah education campaign.

Regarding the situation in Metro Manila and in Luzon, Attorney Ali points out that the NCMF aims to create a consultative council through the local government, especially with concerns regarding extremism. Meanwhile, Assistant Professor Absari noted that Region 9 has been working on translations of PD No. 1083 into Yakan, Sama, and Tausug. Attorney Haron has encouraged the Muslim Consultative Councils of LGUs to conduct seminars. He has also discussed shari'ah and the processes for conversion. Assistant Professor Absari noted the importance of funding to operate the shari'ah court, with the mayor of Pagadian (who happened to be a Christian) learning about shari'ah and channeling funds to support it.

Assistant Professor Absari asked regarding the establishment of three Shari'ah District Courts outside BARMM and if there are preparations to support this initiative. Attorney Ali responded by noting how the NCMF recommended locations of the Shari'ah District Courts, yet the budget would be allocated in 2026. He believes that the budget allocated to the NCMF through the Bureau of Legal Affairs could help with the materialization of these plans. Regarding Assistant Professor Absari's question on BAGO's programs, Attorney Julkipli noted that BARMM aims to have its own law to be its "own version"

of PD No. 1083, accounting for shari'ah's applications in criminal cases alongside personal laws. Regarding Assistant Professor Absari's question on the appropriateness of two shari'ah laws, Attorney Sadain noted that while the reach of a more comprehensive shari'ah law would cover BARMM, communities outside the Bangsamoro region would benefit from such a legislative move, but it would need initiatives from Congress and work within the intergovernmental relations framework. Attorney Julkipli noted that progress in amending PD No. 1083 for implementation in BARMM was delayed due to the Indigenous Rights Code and the Revenue Code. The Bangsamoro Justice System Committee was working on the framework for the code alongside other shari'ah-related legislations, and amendments were not put on the schedule. The new Bangsamoro government would have to take care of these amendments.

Assistant Professor Absari further inquired regarding concerns regarding the sustainability of shari'ah-related efforts, including the academy and qualifications for shari'ah judges. Attorney Julkipli noted that the creation of the Kuliyah for Islamic Studies, and the Bangsamoro government is still working on its implementing rules and regulations (IRR). The adoption of the tri-justice framework within the Bangsamoro is still at work. Considering Assistant Professor Absari's concerns regarding the need for PD No. 1083 to be amended, Attorney Ali noted the complications regarding how shari'ah can cover contractual agreements, which are vital in commercial operations. He acknowledges the importance of social and legislative support, with the framework being provided by the Bangsamoro Organic Law. Professor Wadi contributed to the discussion, reiterating the importance of institutionalization. The complex status of the NCMF and the lack of alignments at the national level to connect the Bangsamoro to the national Congress are challenges. He pointed out the importance of ensuring that BAGO connects to the Supreme Court for consultations. Meanwhile, he called for revisions in the NCMF charter, especially as it has to demonstrate its national mandate. He agreed with Attorney Sadain's points on the importance of "bridging and synergy between the national government and BARMM," highlighting the importance of working together.

Attorney Julkipli further discussed challenges to highlight the importance of shari'ah outside BARMM. He suggested considering the structural and systemic challenges that affect shari'ah within BARMM, and he has considered

exploring how other ASEAN countries implement shari'ah. Assistant Professor Absari recounted how Thai shari'ah judges were sent to the Philippines in 2021 to learn from the Philippine experience of shari'ah. Attorney Ali concurred, saying that the NCMF has provided him with such an opportunity.

Regarding collaborative efforts, as Assistant Professor Absari asked, Attorney Julkipli noted that the Bangsamoro Regional Office has a committee for community service. To effectively foster collaboration, especially regarding shari'ah, the BARMM would refer to the ulama who issue fatwas that guide the region. Associate Professor Morados mentioned their efforts to create a module on the shari'ah justice system and are planned to be translated into the local languages. Professor Wadi noted BAGO's efforts, as well as visits to ASEAN countries. Attorney Sadain noted that the NCMF should not stop fulfilling its mandate despite the decrease in effective functions. The NCMF should continue actively popularizing shari'ah, especially through the support of LGUs.

The open forum was formally concluded by Prof. Wadi, who thanked all the participants and expressed hope for more activities like the Shari'ah Forum, where crucial issues concerning the Muslim community can be discussed with various agencies.

CENTER FOR INTEGRATIVE AND DEVELOPMENT STUDIES

Established in 1985 by University of the Philippines (UP) President Edgardo J. Angara, the UP Center for Integrative and Development Studies (UP CIDS) is the policy research unit of the University that connects disciplines and scholars across the several units of the UP System. It is mandated to encourage collaborative and rigorous research addressing issues of national significance by supporting scholars and securing funding, enabling them to produce outputs and recommendations for public policy.

The UP CIDS currently has twelve research programs that are clustered under the areas of education and capacity building, development, and social, political, and cultural studies. It publishes policy briefs, monographs, webinar/conference/forum proceedings, and the Philippine Journal for Public Policy, all of which can be downloaded free from the UP CIDS website.

THE PROGRAM

The **Islamic Studies Program** (ISP) seeks to advance the critical and strategic roles of Islam in nation-building and determines to lead the Filipino communities to know Islam deeper and consequently deal with the existing stereotypes against Muslims. The three-fold research component is comprised of: (1) Hikma, or the historical and Islamic knowledge for the modern age; (2) Shari'a courts practices, implementations, and issues for revisions; and (3) the Moro story, which entails identifying key issues affecting the dynamics of Moro families locally and globally.

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