

# SHARIAH BAR EXAM REVIEW OVERVIEW

## 1. Core Coverage (Based on PD 1083)

| Book     | Subject Area                              | Exam Relevance   |
|----------|---|--|
| Book I   | General Provisions (Art. 1–7)             | Construction, interpretation, and proof of Muslim law — often used in <i>essay fundamentals</i> .                  |
| Book II  | Persons and Family Relations (Art. 8–99)  | Marriage, divorce, filiation, parental authority — <b>most frequently tested</b> .                                 |
| Book III | Succession (Art. 100–149)                 | Shares of heirs, testamentary succession, <i>wasiya, faraid</i> problems — <b>common computation area</b> .        |
| Book IV  | Adjudication & Settlement (Art. 150–179)  | Jurisdiction, Shari'a courts, Agama Arbitration Council — appears in <b>procedure and jurisdiction questions</b> . |
| Book V   | Miscellaneous & Transitory (Art. 180–190) | Penal provisions and final clauses — <b>minor but conceptual</b> .   |

## 2. Common Shariah Bar Question Types

| Type            | Example  | Recommended Strategy   |
|-----------------|--|--|
| Essay           | Discuss the requisites of a valid Muslim marriage.                     | Cite <b>Art. 15</b> , define <i>nikāh</i> , enumerate and briefly explain. End with a Shariah justification (Qur'an/Hadith). |
| Problem-solving | Compute inheritance for wife, 2 sons, 1 daughter.                      | Use <b>Book III (Arts. 111–129)</b> , show formula (fractions, decimal, %). Explain reasoning.                               |
| Case Analysis   | A Muslim husband contracted a civil marriage with a non-Muslim. Valid? | Apply <b>Art. 13</b> , state rule on applicability and exceptions.   |
| Procedural      | Who has jurisdiction over a talaq dispute?                             | Cite <b>Art. 155(2)(b)</b> — Shari'a Circuit Court has exclusive original jurisdiction.                                      |

## 3. Study Blueprint

### ◆ *Phase 1: Foundation (Book I-II)*

- Focus on *definitions, requisites, prohibitions, and effects of marriage, divorce, and filiation*.

- Master key Arabic terms (mahr, talaq, 'idda, nasab, etc.).
- Integrate Qur'anic bases (e.g., *Q.S. 4:3* on polygyny, *Q.S. 2:228–232* on 'idda).

#### ◆ *Phase 2: Applications (Book III–IV)*

- Practice inheritance computations (will + legal shares).
- Understand hierarchy of heirs: *sharers* → *residuaries* → *distant kindred*.
- Review procedural law: jurisdiction, powers of Shari'a courts, and functions of Agama Arbitration Council.

#### ◆ *Phase 3: Integration & Testing*

- Take mock exams.
  - Write case digests.
  - Discuss jurisprudence (e.g., *Alcad v. Alcad*, G.R. No. 200370, 2018; *Toring v. Toring*, G.R. No. 165321, 2007).
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## 4. Core Mnemonics (for quick recall)

| Concept                           | Mnemonic | Meaning  |
|-----------------------------------|----------|--|
| Requisites of Marriage (Art. 15)  | LC-MO    | Legal capacity, Consent, <i>Ijab-Qabul</i> (Offer-Acceptance), Mahr stipulated |
| Prohibited Marriages (Art. 23–26) | CAF      | Consanguinity, Affinity, Fosterage   |
| Kinds of Talaq (Art. 45–55)       | STK      | Simple, Triple, Khul' (redemption)   |
| Order of Heirs (Book III)         | S-R-D    | Sharers → Residuaries → Distant Kindred  |

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## 5. Qur'anic Anchors for Integration

| Concept      | Verse Reference        |  |                 |
|--------------|------------------------|--|-----------------|
| Mahr (dower) | Surah An-Nisā' 4:4     |  | Obligation of h |
| Polygyny     | Surah An-Nisā' 4:3     |  | Conditional ju  |
| 'Idda        | Surah Al-Baqarah 2:228 |  | Waiting period  |
| Inheritance  | Surah An-Nisā' 4:11–12 |  | Fixed shares fo |

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## 6. Examiner's Tips

- **Always cite article numbers.** Examiners check accuracy of reference.
  - **State Arabic term with meaning** (e.g., *talaq – repudiation by the husband*).
  - **Quote at least one Qur'anic or Hadith basis** for conceptual essays.
  - **End procedural answers with jurisdiction.**
  - **Compute inheritance step-by-step** — avoid jumping to conclusions.
  - **Use neat, labeled diagrams** for family trees or heir structures.
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## 7. Practice Path

I can generate for you:

- *Customized reviewers per Book*
- *Inheritance computation drills*
- *Case digests of landmark Shari'a cases*
- *Flashcards / mnemonics*
- *Mock exam sets with model answers*

# Customized Shariah Bar Reviewer Series for PD 1083

Each Book below contains:

- Overview
  - Key Articles & Doctrines
  - Arabic Terms (with meanings)
  - Sample Bar Questions
  - Quick Mnemonics
  - Key Takeaways
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## BOOK I — GENERAL PROVISIONS

(Articles 1–7)

### ◆ Overview

Book I sets the *juridical foundation* of Muslim personal law in the Philippines — its legal basis, interpretation, and application.

### ◆ Key Articles & Highlights

| Article | Core Idea                     | Notes  |
|---------|-------------------------------|--|
| Art. 1  | Title                         | “Code of Muslim Personal Laws of the Philippines”                              |
| Art. 2  | Purpose                       | Recognizes Muslim law as part of the law of the land; codifies it for Muslims. |
| Art. 3  | Conflict of laws              | PD 1083 prevails over general laws; applies only to Muslims.                   |
| Art. 4  | Interpretation                | Must consider Qur'an, Hadith, Ijma', Qiyyas; use classical fiqh as persuasive. |
| Art. 5  | Proof of Muslim law and 'Ādah | Custom ('āda) not contrary to Shari'a or public policy may be given effect.    |
| Art. 6  | Conflict among madhāhib       | Preference given to ruling consistent with Constitution and public order.      |

| Article | Core Idea   | Notes  |
|---------|-------------|--|
| Art. 7  | Definitions | Defines terms such as <i>Agama Arbitration Council</i> , <i>mahr</i> , <i>ihram</i> , <i>madhab</i> , <i>Shari'a</i> . |

#### ◆ Key Arabic Terms

- ‘Ādah (عادة) – Customary practice recognized by Shari'a.
- Madhab (مذهب) – School of Islamic jurisprudence.
- Shari'a (شريعة) – Divine law derived from Qur'an and Sunnah.

#### ◆ Sample Bar Questions

1. Discuss the legal effect of a conflict between PD 1083 and the Civil Code.
2. Explain how Muslim law and ‘āda are proven in evidence.
3. If Hanafi and Shafi'i rulings differ, which prevails under PD 1083?

#### ◆ Mnemonic

“P-C-I-L-D-S” → Purpose, Conflict, Interpretation, Law Proof, Differences, Scope

#### ◆ Key Takeaway

PD 1083 is both a *recognition* and a *codification* of Muslim law. It governs Muslims, integrates Shari'a into Philippine law, and must be interpreted with reference to Qur'an, Sunnah, and classical fiqh.

## BOOK II — PERSONS AND FAMILY RELATIONS

(Articles 8–99)

#### ◆ Overview

The most heavily tested Book — covers **marriage (nikāh)**, **divorce (ṭalāq)**, **filiation (nasab)**, **support (nafaqa)**, **parental authority**, and **civil registry**.

#### ◆ Key Titles

1. Civil Personality (Shakhsiyah Madaniyah) – Arts. 8–12

2. **Marriage & Divorce (Nikāh & Ṭalāq)** – Arts. 13–65
3. **Paternity and Filiation (Nasab)** – Arts. 66–78
4. **Support (Nafaqa)** – Arts. 79–83
5. **Parental Authority** – Arts. 84–89
6. **Civil Registry** – Arts. 90–99

### ◆ Core Articles (Selected)

| Topic                      | Article     | Rule Summary   |
|----------------------------|-------------|--|
| Requisites of Marriage     | Art. 15     | Capacity, consent, <i>ijab-qabul</i> , mahr.                                   |
| Capacity to Marry          | Art. 16     | Male $\geq 15$ ; female at puberty (presumed at 15).                           |
| Authority to Solemnize     | Art. 18     | Proper <i>wali</i> or Shari'a judge.   |
| Batil Marriages            | Art. 31     | Void ab initio — prohibited degrees, unlawful conjunction, homicide of spouse. |
| Fasid Marriages            | Art. 32     | Irregular — e.g., during 'idda, vitiated consent.                              |
| Talaq (Divorce by husband) | Arts. 45–55 | Three types: <i>ahsan</i> , <i>hasan</i> , <i>bain</i> .                       |
| 'Idda (Waiting period)     | Arts. 56–57 | Four months ten days (widow); three courses (divorcee).                        |
| Support (Nafaqa)           | Art. 79     | Based on needs and husband's means.  |
| Parental Authority         | Art. 85     | Father primarily; mother in tender years.                                      |

### ◆ Arabic Terms

- **Nikāh** (نكاح) – Marriage contract.
- **Mahr** (مهر) – Dower given to wife.
- **Talaq** (طلاق) – Repudiation by husband.
- **Khul'** (خلع) – Divorce initiated by wife with consideration.
- **'Idda** (عدة) – Waiting period before remarriage.
- **Nasab** (نسب) – Filiation or lineage.
- **Nafaqa** (نفقة) – Maintenance or support.

### ◆ Mnemonics

| Concept                | Mnemonic | Meaning   |
|------------------------|----------|---|
| Requisites of Marriage | "LC-MO"  | Legal capacity, Consent, Mahr, Offer–Acceptance |
| Prohibited Marriages   | "CAF"    | Consanguinity, Affinity, Fosterage              |
| Divorce Grounds        | "TTK"    | Talaq, Tafwid, Khul'                            |

## ◆ Sample Bar Questions

1. *Distinguish between batil and fasid marriages under PD 1083.*
2. *When may a Muslim husband take a second wife?*
3. *Compute 'idda for a pregnant widow divorced before childbirth.*

## ◆ Key Takeaway

Book II balances Islamic morality with legal structure — protecting the sanctity of marriage and the rights of spouses and children.

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# BOOK III — SUCCESSION

(Articles 100–149)

## ◆ Overview

Covers **testamentary (wasiya)** and **legal succession (faraid)**. Most mathematical and jurisprudential part of the exam.

## ◆ Core Principles

- **Succession may be:** by will, by law, or both (*Art. 100*).
- **Will (Wasiya):** up to  $\frac{1}{3}$  of estate if heirs exist (*Art. 106*).
- **Sharers (Ashab al-Furudh):** Fixed shares as provided by Qur'an.
- **Residuaries (Asabah):** Take remainder after sharers.
- **Distant Kindred (Dhawu'l-arham):** Succeed in default of sharers and residuaries.

## ◆ Key Articles

| Article | Heir             | Share  |
|---------|------------------|--|
| 111     | Husband          | $\frac{1}{2}$ (no descendants) or $\frac{1}{4}$ (with descendants) |
| 112     | Wife             | $\frac{1}{4}$ (no descendants) or $\frac{1}{8}$ (with descendants) |
| 113     | Father           | $\frac{1}{6}$ with descendants, residuary otherwise                |
| 114     | Mother           | $\frac{1}{6}$ with descendants, $\frac{1}{3}$ otherwise            |
| 118–120 | Daughters        | $\frac{1}{2}$ (one), $\frac{2}{3}$ (two or more)                   |
| 128     | Uterine siblings | $\frac{1}{6}$ (one), $\frac{1}{3}$ (two or more)                   |

## ◆ Arabic Terms

- **Wasiya** (وصيّة) – Will or bequest.
- **Faraid** (فرائض) – Law of fixed shares.
- **Asabah** (عصبة) – Residuary heir.
- **Dhawu'l-arham** (ذوو الأرحام) – Distant kindred.

◆ **Mnemonic**

“HWFMD – Husband, Wife, Father, Mother, Daughters” → memorize their fractions.

◆ **Sample Bar Question**

*A decedent left a wife, two daughters, and a father. Compute their shares.*

**Solution:**

Wife =  $1/8$ , Daughters =  $2/3$ , Father =  $1/6$  + residuary remainder.

◆ **Key Takeaway**

Justice in inheritance is divinely ordained (*Q.S. 4:11–12*). Computations must follow fixed shares first, then residuary allocation.

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## ■ BOOK IV — ADJUDICATION AND SETTLEMENT

(*Articles 150–179*)

◆ **Overview**

Establishes **Shari'a Courts**, **Agama Arbitration Council**, and **Jurisconsult in Islamic Law**.

◆ **Key Provisions**

| Article | Provision                   | Key Point   |
|---------|-----------------------------|---|
| 150–159 | Shari'a Circuit Courts      | Original jurisdiction over personal law disputes.                   |
| 160–164 | Agama Arbitration Council   | Family mediation before litigation.                                 |
| 165–179 | Jurisconsult in Islamic Law | Authorized to render <i>fatwa</i> -like opinions to Shari'a Courts. |

#### ◆ Mnemonic

“SAC” → Shari'a Courts – Agama Council – Consultative Jurisconsult

#### ◆ Sample Bar Questions

1. *Who has jurisdiction over talaq and mahr disputes?*  
→ Shari'a Circuit Court (Art. 155[2][b])
2. *What is the role of the Agama Arbitration Council?*  
→ To reconcile parties and prevent unnecessary divorce.

#### ◆ Key Takeaway

PD 1083 creates a judicial structure parallel to civil courts — rooted in conciliation, not adversarial litigation.

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## BOOK V — MISCELLANEOUS AND TRANSITORY PROVISIONS

(Articles 180–190)

#### ◆ Overview

Deals with penal, transitional, and final provisions.

#### ◆ Highlights

| Article | Subject              | Summary   |
|---------|----------------------|---|
| 180     | Bigamy               | RPC provisions inapplicable if under Muslim law.            |
| 181–185 | Penal provisions     | Penalties for unauthorized marriage, early remarriage, etc. |
| 186     | Effect on past acts  | Pre-Code acts governed by prior law.                        |
| 187     | Applicability clause | Civil Code applies suppletorily.                            |
| 188–190 | Final clauses        | Separability, repealing, and effectivity.                   |

#### ◆ Mnemonic

“B-P-T-F” → Bigamy, Penal, Transitory, Final

### ◆ Sample Bar Questions

1. *Is a Muslim man liable for bigamy under RPC?*  
→ No, under **Art. 180**, RPC bigamy does not apply to marriages under PD 1083.

### ◆ Key Takeaway

PD 1083 harmonizes Muslim and Philippine law, exempting Muslims from conflicting civil or penal rules.

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## ☒ FINAL BAR REVIEW TIPS

- Memorize Articles 1–7 and 13–57. (Frequently cited)
  - Master inheritance fractions (Book III).
  - Know Shari'a jurisdiction boundaries (Book IV).
  - Always cite Qur'anic verse or Hadith support.
  - Write concise but complete — examiner values clarity.
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Would you like me to generate **separate printable reviewer sheets per Book (PDF-style)** or create a **Bar Simulation Question Bank** next (with model answers and Qur'anic justifications)?

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### **Disclaimer:**

This material is for **study and research purposes only**. It is **not legal advice**. For binding opinions or rulings, consult an accredited **Shari'a lawyer or judge**.