

Structured Reviewer on the SPECIAL RULES OF PROCEDURE GOVERNING THE PHILIPPINE SHARI'A COURTS

(Structured Reviewer and Examination Format)

INTRODUCTION

The **Special Rules of Procedure Governing the Shari'a Courts (Ijra-at al-Mahakim al-Shari'a)** — promulgated by the **Supreme Court of the Philippines** under **A.M. No. 02-11-10-SC (effective March 4, 2003)** — serve as the procedural framework for the **Shari'a District Courts (SDCs)** and **Shari'a Circuit Courts (SCCs)** under **Presidential Decree No. 1083**, or the **Code of Muslim Personal Laws of the Philippines (CMPL)**.

These rules harmonize **Islamic procedural principles (fiqh al-qadha)** with **Philippine judicial standards**, ensuring due process while upholding the tenets of Shari'a.

PART I. SHORT AND DIRECT QUESTIONS (Knowledge Recall)

Q1. What is the legal basis for the promulgation of the Special Rules of Procedure Governing the Shari'a Courts?

A1. Articles **148** and **158** of **P.D. 1083** authorize the **Supreme Court** to promulgate special rules of procedure for **Shari'a District** and **Shari'a Circuit Courts**, respectively. This authority was implemented through **A.M. No. 02-11-10-SC (2003)**.

Q2. When did the Special Rules of Procedure Governing the Shari'a Courts take effect?

A2. The Rules took effect on **March 4, 2003**, following their promulgation on **October 22, 2002** by the **Supreme Court**.

Q3. What is the primary purpose of these Special Rules?

A3. To provide a **uniform and efficient system** of procedure for the adjudication of cases under Muslim personal law, consistent with **Islamic jurisprudence (fiqh)** and **Philippine judicial standards**.

Q4. To what courts do these rules apply?

A4. They apply **exclusively** to the **Shari'a District Courts (SDCs)** and **Shari'a Circuit Courts (SCCs)** established under **Book IV of P.D. 1083**.

Q5. What law applies suppletorily to the Special Rules?

A5. Under **Article 187 of P.D. 1083**, the **Rules of Court** and **Civil Code** of the Philippines apply **suppletorily** insofar as they are not inconsistent with **Muslim law or the CMPL**.

PART II. CONCEPTUAL AND ANALYTICAL QUESTIONS (Moderate Difficulty)

Q6. Differentiate the jurisdiction of the Shari'a District Court and the Shari'a Circuit Court under the Rules.

A6.

Court	Jurisdiction	Examples
Shari'a District Court (SDC)	Original and appellate jurisdiction over Muslim personal law cases	Marriage, divorce, legitimacy, guardianship, wills, succession
Shari'a Circuit Court (SCC)	Exclusive original jurisdiction over criminal cases under P.D. 1083 and civil cases between Muslims involving marriage, mahr, mut'a, support, restitution of marital rights	Divorce, betrothal, property disputes between spouses

Q7. How is an action commenced under the Special Rules?

A7. Civil actions are commenced by **verified complaint** or **petition**, while criminal actions begin by **information** filed by the public prosecutor. All pleadings must indicate that the **parties are Muslims** and must be **written in English or Arabic**.

Q8. What is the rule on representation by counsel before the Shari'a Courts?

A8. Any **member of the Philippine Bar** may appear, but preference is given to **Muslim lawyers** who are members of the **Special Shari'a Bar**, as they are more familiar with **Islamic law and procedure**.

Q9. What is the function of the Agama Arbitration Council under the Rules?

A9. The **Agama Arbitration Council (Majlis al-Tahkim)** is a conciliatory body constituted by the court to promote **amicable settlement (sulh)** in disputes involving **marriage, divorce (talaq, khul', tafwid)**, or **family reconciliation**, pursuant to **Articles 161–162, P.D. 1083** and **Rule VII** of the Special Rules.

Q10. Are the technical rules on evidence strictly applied in Shari'a proceedings?

A10. No. The court may **depart from technical rules** if strict adherence would defeat justice. Evidence must conform with **Islamic principles of credibility ('adl)** and **truthfulness (sidq)**, and witnesses should preferably be **Muslims** when Islamic law requires.

PART III. APPLICATION AND CASE-TYPE QUESTIONS (Bar-Level)

Q11. A Muslim husband pronounces *talaq* but fails to notify the Shari'a Circuit Court. Can the divorce take effect?

A11. No. Under **Article 161, P.D. 1083** and **Rule IX, Sec. 1** of the Special Rules, the husband must **file written notice** of the *talaq* with the Clerk of Court and furnish the wife a copy. The

divorce takes effect **only after the lapse of the ‘iddah period** following compliance with procedural requirements.

Q12. May the Shari’a Circuit Court apply the Rules of Court on execution of judgment?

A12. Yes, but suppletorily. Under **Book IV, Rule XII** of the Special Rules, execution of decisions follows similar procedures as in regular courts, but must observe **Islamic fairness (adl)** and **public interest (maslahah)** principles.

Q13. Distinguish between *sulh* and *tahkim* in the context of Shari’a procedure.

A13.

Term	Nature	Legal Effect
Sulh (conciliation)	Voluntary settlement between parties	Binding as a compromise agreement
Tahkim (arbitration)	Decision by the Agama Arbitration Council or appointed arbitrators	Subject to court confirmation under Rule VII, Sec. 6

Q14. A non-Muslim wife files for divorce against her Muslim husband in the Shari’a District Court. Is the action proper?

A14. No. The **jurisdiction** of the Shari’a courts is **personal and limited**. Under **Article 13(1), P.D. 1083**, both parties must be **Muslims**, or the marriage must have been **solemnized under Muslim law**. Otherwise, jurisdiction lies with the **regular family courts**.

Q15. What are the modes of appeal from decisions of the Shari’a Circuit Court and the Shari’a District Court?

A15.

1. **From SCC → SDC:** via **ordinary appeal** within **15 days** under **Rule XIV**.
 2. **From SDC → Supreme Court:** via **petition for review on certiorari**, limited to **questions of law** and filed within **15 days** after notice of judgment (Rule XV).
-

SUMMARY TABLE OF KEY FEATURES

Feature	Provision	Source
Legal basis	Articles 148, 158	P.D. 1083
Effectivity	March 4, 2003	A.M. No. 02-11-10-SC
Governing courts	Shari’a District & Circuit Courts	Book IV, P.D. 1083
Language	English or Arabic	Rule IV
Settlement mechanism	Agama Arbitration Council	Rule VII
Appeals	SCC → SDC → SC	Rules XIV–XV
Suppletory law	Rules of Court, Civil Code	Art. 187, P.D. 1083

EXAM TIP

Mnemonic for Shari’a Principles of Procedure: “S-A-L-A-H”

- **S** – *Sulh* (conciliation before litigation)
 - **A** – *Agama Arbitration Council*
 - **L** – *Limited to Muslim personal law cases*
 - **A** – *Adl (justice)* governs judgments
 - **H** – *Harmonized* with the Rules of Court suppletorily
-

REFERENCES

1. **Presidential Decree No. 1083 (Code of Muslim Personal Laws)**, Articles 139–159, 187.
 2. **A.M. No. 02-11-10-SC (Special Rules of Procedure Governing the Shari’a Courts, 2003)**.
 3. **Macaraan v. Macaraan**, G.R. No. 110249, May 27, 2003.
 4. **Tomawis v. Balindong**, G.R. No. 182434, March 5, 2008.
 5. **Qur’an 4:35** — conciliation between spouses through arbiters from both families.
-

Disclaimer:

This material is prepared **for academic, bar review, and research purposes only**. It **does not constitute legal advice**. For binding rulings or legal representation, consult an **accredited Shari’a lawyer or judge** recognized by the **Supreme Court** or **National Commission on Muslim Filipinos (NCMF)**.