PD 1083 Recall Deck – 50 Flashcards for Mastery

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| **Question** | **Answer** |
| What is the purpose of P.D. 1083? | To codify Muslim personal laws in the Philippines consistent with the Constitution and Islamic jurisprudence. |
| Who are covered under P.D. 1083? | Primarily Muslims, but it may apply to non-Muslims who voluntarily submit to its jurisdiction. |
| What law governs when PD 1083 is silent? | The Civil Code and special laws, insofar as they are not inconsistent with Islamic principles. |
| Define “Muslim” under PD 1083. | A person who professes the religion of Islam. |
| What are the sources of Muslim law recognized under PD 1083? | The Qur’an, Sunnah, Ijma, and Qiyas. |
| What are the essential requisites of marriage? | Consent, marriageable age, presence of wali, and two competent witnesses. |
| What is the minimum marriageable age? | 15 for males, puberty for females, with wali consent. |
| Who acts as wali in marriage? | The father, paternal grandfather, or nearest male relative in the male line. |
| What are the prohibitions in marriage (impediments)? | Consanguinity, affinity, fosterage, difference in religion (in certain cases), and iddah. |
| What is the meaning of “Ijab” and “Qabul”? | Offer and acceptance — formal consent to the marriage. |
| How must a Muslim marriage be solemnized? | In the presence of the contracting parties, wali, and two witnesses, with the recitation of Ijab and Qabul. |
| What is the legal effect of a void marriage? | It produces no civil effects except for legitimacy of children under good faith (Art. 36). |
| What are the rights of the wife? | Maintenance (nafaqah), respect, dower (mahr), and just treatment. |
| What are the rights of the husband? | Respect, obedience within Shari’ah limits, and fidelity of the wife. |
| What is Mahr (Dower)? | A mandatory gift or sum promised by the husband to the wife upon marriage. |
| List the types of divorce recognized under PD 1083. | Talaq, Khula, Li’an, Faskh, Ila, and Mubarat. |
| What is Talaq? | Repudiation by the husband through express pronouncement of divorce. |
| What is Khula? | Divorce initiated by the wife in exchange for consideration (return of mahr). |
| What is Li’an? | Divorce through mutual imprecation when a husband accuses his wife of adultery without witnesses. |
| What is Faskh? | Judicial annulment granted by the court for lawful causes. |
| What is Ila? | Divorce arising from the husband’s oath of abstinence from conjugal relations. |
| What is Mubarat? | Divorce by mutual consent of husband and wife. |
| What is Iddah? | Waiting period a woman must observe before remarrying, to ensure no confusion of lineage. |
| How long is the Iddah after Talaq? | Three menstrual periods, or four months and ten days if widowed. |
| What is the legal effect of Talaq Bain Kubra? | An irrevocable divorce after three pronouncements; remarriage allowed only after the wife lawfully marries another man and is divorced thereafter. |
| When is a child presumed legitimate? | When born within a valid marriage or within the prescribed period after its dissolution. |
| What is the basis for acknowledging a child? | Voluntary recognition (iqrar) by the father or proof through continuous possession of status. |
| What is Li’an in paternity disputes? | A form of mutual oath to resolve accusations of adultery and deny paternity. |
| Who may impugn the legitimacy of a child? | Only the husband, under strict conditions and within prescribed periods. |
| What is the effect of acknowledgment? | It confers rights of inheritance and legitimacy upon the child. |
| What is the basic principle of Islamic inheritance? | Property is distributed according to fixed shares (Faraid) after debts and bequests. |
| Who are the primary heirs with fixed shares? | Spouse, parents, children, and siblings depending on circumstance. |
| What is Awl? | Reduction of shares when total shares exceed the estate. |
| What is Hajb? | Exclusion of certain heirs due to the presence of nearer ones. |
| What is Wasiyyah (Will)? | Bequest of up to one-third of the estate to non-heirs. |
| What are Asabah (residuaries)? | Heirs who take the remainder after fixed shares are given. |
| Who is entitled to residue when a woman dies leaving a husband and one daughter? | Husband gets ½, daughter gets ½; no residue remains. |
| What are the order of settlement before distribution? | Funeral expenses → debts → will → inheritance. |
| Who are excluded from inheritance? | Non-Muslims and those who intentionally kill the decedent. |
| Can adopted children inherit? | No, but they may receive a wasiyyah (bequest) within the one-third limit. |
| What courts have jurisdiction over Muslim personal cases? | Shari’a Circuit and District Courts. |
| What are the qualifications of Shari’a judges? | Filipino Muslim citizens with adequate knowledge of Islamic law and jurisprudence. |
| What are the functions of the Shari’a District Court? | Handle marriage, divorce, succession, and civil cases under PD 1083. |
| What cases belong to Shari’a Circuit Courts? | Smaller civil and criminal cases among Muslims not exceeding ₱50,000 (or as updated by law). |
| How are decisions of Shari’a courts appealed? | To the Supreme Court through the Court of Appeals. |
| What is the requirement for conversion? | Public declaration of faith (Shahadah) before the Shari’a court or accredited authority. |
| What is the effect of conversion on marriage? | The non-Muslim spouse may choose to convert; otherwise, the marriage may be dissolved after the iddah. |
| How is conversion registered? | The declaration must be recorded with the Shari’a court and Civil Registrar. |
| What is the legal status of acts done prior to conversion? | Civil effects remain valid; only future personal acts are governed by Muslim law. |
| Can a revert (Muslim returning to Islam) remarry immediately? | Yes, if there are no existing impediments under PD 1083 or prior marriages. |