



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4418

Introduced by HON. **AMIHILDA J. SANGCOPAN** of Anak Mindanao (AMIN) Party-List

Explanatory Note

In June 15, 1954, Republic Act No. 1080, "*An Act declaring the Bar and the Board Examinations as Civil Service Examinations*", was enacted. It confersto bar exam passers the civil service eligibility for purposes of appointment.

In February 4, 1977, Presidential Decree No. 1083 or the "*Code of Muslim Personal Laws*" was enacted. It implements the constitutional mandate toward the integration and mainstreaming of cultural Muslim Filipino communities. As such, PD 1083 created as part of the Philippine judicial system the Shari'a Courts:

Article 137. Creation. There are hereby created as part of the judicial system, courts of limited jurisdiction, to be known respectively as Shari'a District Courtsand Shari'aCircuit Courts, which shall exercise powers and functions inaccordancewith thisTitle.

Shari'a courts and the personnel thereof shall be subject to the administrative Supervision of the Supreme Court.

Like the regular courts, the Shari'a courts and the personnel thereof shall be subject to the administrative supervision of the Supreme Court. Applicants to the Shari'a bar Examinations are required to have completed from a Philippine Shari'a Institute or completed the two-year study on Islamic Jurisprudence offered by some Law schools in the country. Applicants to the civil service eligibility are required at least (2) years in college for the sub-professional level or eligibility.

In the Philippines, the increasing number of Muslim Filipinos has become a challenge to the efficient implementation of the judicial system. In a recent study, it says the lack of full-time Shari'a District Judges may affect the level of performance of the Shari'a District Courts (SDCs). All five Shari'a District Judge positions of the fully organized SDCs are vacant. Two RTC Judges have been designated as acting Shari'a District Judges on concurrent capacity. An appointed RTC judge of Parang (Sulu) is the designated acting judge of the SDCs in Jolo (Sulu), Bongao (Tawi-Tawi), Zamboanga City, and Cotabato City, while Judge the appointed RTC judge of Midsayap (Cotabato) is concurrently the judge of the SDC in Marawi City.

Majority, if not most of the Shari'a counselors, are from Mindanao and as Mindanaoan representative, we would like to put emphasis in affirming the fitting recognition for our Shari'a counselors.

With this, we sought for the passage of the bill declaring the shari'a bar exam as civil service examination.


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AN ACT
DECLARING THE SPECIAL SHARI'A BAR EXAMINATION AS CIVIL SERVICE EXAMINATION AMENDING FOR THE PURPOSE R.A. 1080 ENTITLED "AN ACT DECLARING THE BAR AND BOARD EXAMINATIONS AS CIVIL SERVICE EXAMINATIONS"

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

SECTION 1. The bar examinations including the Special Shari'a Bar Examination and the examination given by the various boards of examiners of the Government are declared as civil service examinations, and shall for purposes of appointment to positions in the classified service of the duties of which involve knowledge of the respective professions except positions requiring highly specialized knowledge not covered by the ordinary board examinations, be considered as equivalent to the first grade regular examinations given by the Bureau of Civil Service if the profession requires at least four (4) years of study in college and the person has practiced his professions for at least two years, and as equivalent to the second grade examination if the profession requires less than four years of college study.

SECTION 2. The Commissioner of Civil Service shall be furnished by the Clerk of the Supreme Court and the Secretary of the Board of Examiners a list of all the successful candidates in the bar and board examinations, including the Special Shari'a Bar Examination, with their general averages and preference shall be given those obtaining the highest ratings in making appointments, Provided, That for those who have already passed the corresponding bar and board examinations, including the Special Shari'a Examination, the eligibility shall be deemed to commence from the approval of the Act.

SECTION 3. The commissioner of Civil Service shall promulgate the rules and regulations to implement the provisions of this Act.

SECTION 4. The benefits granted under this Act shall not prescribe the provisions of Civil Service law or regulations notwithstanding.

SECTION 5. This Act shall take effect fifteen (15) days from its publication in the Official Gazette or in any two newspapers of general circulation.

Approved,