EN BANC

[A.M. No. 24-07-31-SC. January 21, 2026]

RE: REQUEST OF THE BANGSAMORO TRANSITION AUTHORITY PARLIAMENT TO THE SUPREME COURT OF THE PHILIPPINES TO FACILITATE THE IMMEDIATE ORGANIZATION OF THE SHARI'AH HIGH COURT IN THE BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO

R E S O L U T I O N

DIMAAMPAO, J.:

For the Court's consideration is Bangsamoro Transition Authority (BTA) Parliament Resolution No. 458[1] dated May 22, 2024, requesting the Court to facilitate the immediate organization of the Shari'ah High Court.

The BTA Parliament proffers the following reasons for their request:

> **WHEREAS**, by organizing the *Shari'ah* High Court, the cases subject to review will be appropriately resolved by officer's [sic] experts in the application of the *Shari'ah* law [sic] and the Muslim [p]ersonal [l]aws of the Philippines;
>
> **WHEREAS**, there is an imperative need for the Supreme Court to fully organize the *Shari'ah* High Court in the [Bangsamoro Autonomous Region in Muslim Mindanao] to completely implement the provisions of the Bangsamoro Organic Law pertaining to the *Shari'ah* Justice System in the Bangsamoro Region.[2]

The request is well-founded.

Article X of Republic Act No. 11054, better known as the Bangsamoro Organic Law, provides for the establishment of the Shari'ah High Court as part of the Judiciary, thusly:

> SEC. 7. *Shari'ah High Court*. – There is hereby created within the Bangsamoro territorial jurisdiction, as part of the Philippine judicial system, a *Shari'ah* High Court. It shall exercise exclusive original jurisdiction over

the following cases where either or both parties are Muslims: *Provided*, [t]hat the non-Muslim party voluntarily submits to its jurisdiction:

(a) [a]ll petitions for mandamus, prohibition, injunction, *certiorari*, *habeas corpus*, and all other auxiliary writs and processes, in aid of its appellate jurisdiction; and

(b) [a]ll actions for annulment of judgments of *Shari'ah* District Courts.

The *Shari'ah* High Court shall exercise exclusive appellate jurisdiction over cases under the jurisdiction of the *Shari'ah* District Courts within or outside the Bangsamoro Autonomous Region.

The decisions of the *Shari'ah* High Court shall be final and executory except on questions of law which may be raised before the Supreme Court following the procedure for appeals from the Court of Appeals to the Supreme Court.

Nothing contained herein shall affect the original and appellate jurisdiction of the Supreme Court as provided in the Constitution.

Pending the complete organization of the *Shari'ah* High Court, the decisions of the *Shari'ah* District Courts shall be appealable to the Court of Appeals.

SEC. 8. *Qualifications of Shari'ah Judges*. –

. . . .

(c) *Shari'ah* High Court. – No person shall be appointed justice of the *Shari'ah* High Court unless a natural-born citizen of the Philippines who is a Muslim, a regular member of the Philippine Bar, at least forty (40) years of age, must have been engaged in the practice of law for fifteen (15) years or more, and has completed at least two (2) years of *Shari'ah* or Islamic Jurisprudence.

A *Shari'ah* [j]ustice or [j]udge must be a person of competence, integrity, probity, and independence.

. . . .

SEC. 9. *Composition of the Shari'ah High Court*. - The *Shari'ah* High Court shall be composed of five (5) [j]ustices, including the [p]residing [j]ustice.

SEC. 10. *Compensation, Benefits, Tenure, and Privileges*. – Justices of the *Shari'ah* High Court shall have the same rank, prerogatives, salaries, allowances, benefits, tenure, and privileges as the [j]ustices of the Court of Appeals.

. . . .

> SEC. 14. *Appointment and Discipline of Shari'ah Court Personnel*. – The Supreme Court shall appoint the *Shari'ah* court personnel and shall have the power to discipline them.

For the Shari'ah High Court to be functional, it must be not only properly funded, but also staffed by qualified magistrates and personnel.

Section 45 of Batas Pambansa Blg. 129[3] ordains that Shari'ah courts to be constituted pursuant to Presidential Decree No. 1083[4] shall be included in the funding appropriations of the same law. Subsequently, Republic Act No. 12018[5] created three new Shari'ah districts and 12 additional Shari'ah circuit courts outside the Bangsamoro Autonomous Region in Muslim Mindanao, effectively amending both Batas Pambansa Blg. 129 and Presidential Decree No. 1083, viz.:

> SEC. 5. The [c]hief [j]ustice of the Supreme Court *shall immediately include in the Court's program* the operationalization of the newly created Shari'a[h] Judicial Districts, Shari'a[h] District Court, and Shari'a[h] Circuit Courts.
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> SEC. 6. The funds necessary for the implementation of this Act, including appropriations for personnel services such as salaries[,] benefits[,] and emoluments for judges and court personnel, court operations under Maintenance and Other Operating Expenses (MOOE), and provision[s] for hall[s] of justice or courtrooms to accommodate judges and court staff, *shall be included in the annual General Appropriations Act.*
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> . . . .
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> SEC. 8. *Repealing Clause*. – The relevant provisions of Batas Pambansa Blg. 129, otherwise known as the "The Judiciary Reorganization Act of 1980", as amended, and Presidential Decree No. 1083, otherwise known as the "Code of Muslim Personal Laws of the Philippines", as amended, and all other laws, rules[,] and regulations which are inconsistent with this Act are hereby amended, repealed, or modified accordingly. (Emphasis supplied)

From the foregoing, it is evident that the funding for all Shari'ah district courts and Shari'ah circuit courts shall be included in the Judiciary's annual expenditure program.

Anent the Shari'ah High Court, Article X of the Bangsamoro Organic Law is silent as to the source of funding for the institution of the Shari'ah High Court. Notably, under Article XII thereof, the Bangsamoro Government is empowered to allocate its annual block grant from the national government to its various agencies and projects:

> ARTICLE XII
>
> FISCAL AUTONOMY
>
> . . . .

> SEC. 15. *Annual Block Grant*. – The [n]ational [g]overnment shall provide an annual block grant which shall be the share of the Bangsamoro Government in the national internal revenue tax collections of the Bureau of Internal Revenue and collections of the Bureau of Customs. *The amount shall be sufficient for the exercise of the powers and functions of the Bangsamoro Government under this Organic Law* and in no case shall be less than the last budget received by the Autonomous Region in Muslim Mindanao immediately before the establishment of the Bangsamoro Autonomous Region.
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> . . . .
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> SEC. 19. *Allocation of the Block Grant. – The Parliament shall pass an annual appropriations law allocating the block grant to various agencies and programs according to the powers and functions of the Bangsamoro Government*. The Parliament shall assign the highest budgetary priority to education, health, and social services as may be provided in its appropriations law. The Parliament shall not include the procurement of firearms, ammunition, armaments, and explosives in its annual appropriations law from the block grant. Copies of the development plans of the Bangsamoro Government shall be furnished the Department of the Interior and Local Government. In the allocation of the block grant, the national laws and the budgeting rules and regulations implemented by the Department of Budget and Management and Department of the Interior and Local Government applicable to local government units shall apply.
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> The Bangsamoro Government's annual appropriations law shall set performance standards and targets for each sector. Any unspent amount in the current year's block grant shall revert to the Bangsamoro Treasury under a Special Fund for reappropriation: *Provided, however*, [t]hat any subsequent appropriation thereof shall follow the same conditions as provided in this section. (Emphasis supplied)

Likewise, the Bangsamoro Government is authorized to enact a law that allows the chief Minister, the speaker of the Parliament, and the presiding justice of the Shari'ah High Court to augment any item in the general appropriations law for their respective offices from savings in other items of their respective appropriations.[6]

However, a careful perusal of the General Appropriations Act of the Bangsamoro for the Fiscal Years 2021 to 2024 evinces that the BTA did not include any allocation for the Shari'ah High Court.

Given the above disquisitions, it may be reasonably deduced that the funding for the Shari'ah High Court must similarly be included in the Judiciary's annual expenditure program. Much like the Shari'ah district courts and the Shari'ah circuit courts, the Shari'ah High Court is an integral part of the Philippine judicial system.

On that note, Republic Act No. 12233, or the Judiciary Fiscal Autonomy Act, enables the Court to submit the Judiciary's original budget proposal directly to Congress as an attachment to the National Expenditure Program:

> SEC. 3. *Submission of Annual Budget Proposal.* – The Supreme Court shall submit to the Department of Budget and Management (DBM) the annual budget proposal for the Judiciary, detailing its budget expenditures and sources of financing (BESF), and reflecting total revenues and expenses: *Provided*, [t]hat the original budget proposal prepared by the Supreme Court shall be included as an attachment to the National Expenditure Program (NEP): *Provided, further*, [t]hat the DBM may submit its comments and recommendations thereon.

Further, the same statute grants the Court discretion over the Judiciary's staffing pattern:

> SEC. 8. *Salary and Personnel Administration*. – The Supreme Court shall have the authority to determine the number and positions of court personnel necessary for the operations of the Judiciary, within the limits of the approved appropriation, guided by constitutional and legislative policies on hiring and compensation. A copy of the annual approved staffing pattern of personnel shall be furnished to the [Commission on Audit] and the DBM.
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> The DBM shall act on the request by the Supreme Court for the issuance of the Notice of Organization, Staffing, and Compensation Action (NOSCA) for newly created positions within one hundred twenty (120) days from receipt thereof. In case of failure by the DBM to act upon such request, the Supreme Court may take appropriate measures to address the matter, in accordance with the authority granted to it under this Act.
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> The Supreme Court shall institute measures to provide sufficient, attractive, and competitive compensation for judicial and non-judicial personnel to ensure continuity and sustainability of service, and to support career development.

Whence, to bring life to the vision of dispensing justice "in accordance with the unique cultural and historical heritage of the Bangsamoro[,]"[7] the Court deems it prudent to refer the instant matter to the appropriate offices for thorough consideration preparatory to the formal organization of the Shari'ah High Court.

FOR THESE REASONS, the Office of the Court Administrator and the Fiscal Management and Budget Office are **ORDERED** to prepare and submit the budget and staffing pattern necessary for the operationalization of the Shari'ah High Court for the fiscal year following the approval of this resolution.

The Office of the Court Administrator, and the Fiscal Management and Budget Office, are **DIRECTED** to **REPORT** to this Court, within 30 days from receipt of this resolution, the actions taken in compliance therewith.

SO ORDERED."

Gesmundo, C.J., Leonen, SAJ., Caguioa, Hernando, Lazaro-Javier, Inting, Zalameda, Gaerlan, Rosario, J. Lopez, Marquez, Kho, Jr., Singh, and *Villanueva, JJ.*, concur.

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[1] *Rollo*, pp. 1-3.

[2] *Id*. at 3.

[3] The Judiciary Reorganization Act of 1980 (1981).

[4] Code of Muslim Personal Laws of the Philippines (1977).

[5] An Act Creating Three (3) Additional Shari'a[h] Judicial Districts and Twelve (12) Shari'a[h] Circuit Courts Therein, and Appropriating Funds Therefor, Amending for the Purpose Articles 138, 147, and 150 of Presidential Decree No. 1083, Otherwise Known as the "Code of Muslim Personal Laws of the Philippines", as Amended, and the Relevant Provisions of Batas Pambansa Blg. 129, Otherwise Known as the "Judiciary Reorganization Act of 1980", as Amended (2024).

[6] Republic Act No. 11054 (2018), art. VII, sec. 5(e).

[7] Republic Act No. 11054 (2018), art. X, sec. 1.

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