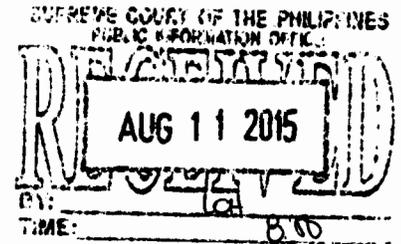




Republic of the Philippines
Supreme Court
Manila



BAR MATTER NO. 2716

ADOPTING THE RULES FOR THE SPECIAL *SHARI'AH* BAR EXAMINATIONS

WHEREAS, in a Resolution dated 20 September 1983, the Supreme Court *En Banc* unanimously approved The Special Rules of Procedure in the *Shari'ah* Courts or the *Ijra-at Mahakim Al Shari'ah*;

WHEREAS, in the same Resolution, the Court also approved the Rules Governing the Special Bar Examinations for the *Shari'ah* Courts;

WHEREAS, the said Rules only provided for those who may be allowed to take the Special Bar Examinations, the documents to be submitted in relation thereto, and the subjects covered by the said bar examinations;

WHEREAS, during the regular session of the Court *En Banc* on March 11, 2014, the 13th *Shari'ah* Bar Examinations Investigating Committee was formed and was tasked, among other things, to review the existing rules and guidelines on the conduct of the Special *Shari'ah* Bar Examinations for *Shari'ah* Courts;

WHEREAS, upon the recommendation of the Committee, the Court, in a Resolution dated 22 April 2014 in Bar Matter No. 2716 – 13th *Shari'ah* Bar Examinations, directed the Office of the Bar Confidant (OBC) to submit a Proposed Guidelines/Rules for the *Shari'ah* Bar Examinations to the Committee;

WHEREAS, the Special *Shari'ah* Bar Examinations Committee headed by **Associate Justice Diosdado M. Peralta**, Chairperson, 13th *Shari'ah* Bar Examinations Investigating Committee and the 2014 Bar Examinations Committee, with its Members, **Associate Justice Martin S. Villarama, Jr.**, Chairperson of the 2012 Bar Examinations Committee and **Associate Justice Jose Catral Mendoza**, together with its Resource Persons, **Associate Justice Teresita J. Leonardo-De Castro**, Chairperson of the 2015 Bar Examinations Committee, **Atty. Ma. Cristina B. Layusa**, Deputy Clerk of Court and Chief of the OBC, **Atty. Amor C. Entila**, Asst. Chief of the OBC, **Hon. Mehol K. Sadain**, Commissioner of the National Commission on Muslim Filipinos (NCMF), **Director Laman M. Piang**, Bureau of Muslim Cultural Affairs, NCMF and **Ms. Rueda E. Usman**, Chief, *Shari'ah* Training and Education Division, NCMF, after

perusing and deliberating on the proposed Rules, submitted the proposed **Rules for the Special *Shari'ah* Bar Examinations** for the Court's consideration and approval.

NOW, THEREFORE, the Court, sitting *En Banc*, hereby resolved to approve and adopt the **Rules for the Special *Shari'ah* Bar Examinations**.

I. Conduct of Special *Shari'ah* Bar Examinations

Upon request of the Secretary/Chief Executive Officer of the National Commission on Muslim Filipinos (NCMF), Office of the President, the Supreme Court shall authorize the conduct of the Special *Shari'ah* Bar Examinations for admission to practice in *Shari'ah* Courts.

The Office of the Bar Confidant (OBC) shall administer the conduct of the Special *Shari'ah* Bar Examinations.

II. Venue of Special *Shari'ah* Bar Examinations

The Special *Shari'ah* Bar Examinations shall be conducted in Metro Manila at a place designated by the Supreme Court.

III. Categories of Special *Shari'ah* Bar Examinees

The following may be allowed to take the Special *Shari'ah* Bar Examinations:

A. Non-Lawyers

1. College degree holders who have completed the seminar on Islamic Law and Jurisprudence required and authorized by the Supreme Court; and
2. College degree holders in Islamic Law and Jurisprudence of the *Al-Azhar* University and of other Islamic institutions of the same category in other countries duly recognized by their respective governments.

B. Lawyers

Members of the Integrated Bar of the Philippines who aspire to be appointed to any of the *Shari'ah* Courts.



IV. Requirements for Admission to the Special *Shari'ah* Bar

A. General Requirements for Admission to the Special *Shari'ah* Bar

Every applicant for admission as a member of the *Shari'ah* Bar must be a citizen of the Philippines, at least twenty-one (21) years of age, of good moral character, and a resident of the Philippines; and must produce before the Supreme Court satisfactory evidence of good moral character, and that no charges against him, involving moral turpitude, have been filed or are pending in any court in the Philippines.

B. Training Requirements for Admission to the Special *Shari'ah* Bar

All applicants for admission to the *Shari'ah* Bar must:

1. Undergo a 45-day seminar training conducted by the NCMF on the following subjects:
 - a. Jurisprudence (*Fiqh*) and Customary Laws (*Adat*)
 - b. Persons, Family Relations and Property
 - c. Succession, Wills/Adjudication and Settlement of Estates; and
 - d. Procedure in *Shari'ah* Courts
2. Pass the Special *Shari'ah* Bar Examinations conducted by the Supreme Court.

C. Documentary Requirements for Special *Shari'ah* Bar Examinees

The following are the documentary requirements for taking the Special *Shari'ah* Bar Examinations:

1. Verified Petition;
2. Birth Certificate;
3. Residence (now Community Tax) Certificate;
4. Documentary Stamps;
5. Certificate of good moral character from three (3) members in good standing of the Philippine Bar;
6. Transcript of records or school diploma;
7. Certificate of Completion of *Shari'ah* Training Seminar;
8. Clearance from the Office of the Provincial/City Prosecutor of the province/city where the petitioner resides;
9. Clearance from the Regional Trial Court of the province/city where the petitioner resides;
10. Four (4) copies of latest photo; and
11. Payment of filing fee.



V. Schedule of the Special *Shari'ah* Bar Examinations

The Special *Shari'ah* Bar Examinations shall be held on the last two (2) Sundays of January, 2016 and every two (2) years thereafter.

VI. Designation of Chairman/Chairperson of the Special *Shari'ah* Bar Examinations

The Secretary/CEO of the NCMF shall submit to the Court a list of at least five (5) names of people for possible appointment as over-all Chairman/Chairperson for every Special *Shari'ah* Bar Examinations, not later than six (6) months before the scheduled examinations.

VII. Qualifications/Disqualifications of Examiners

Said Chairperson shall designate one (1) examiner for each of the four (4) prescribed subjects.

Each of the said examiners must:

1. Be a member of the *Shari'ah* Bar in good standing with a good grasp of the assigned field of law;
2. Not be related to any candidate within the 4th civil degree of consanguinity or affinity;
3. Not be an active lecturer in any *Shari'ah* Training Program or Pre-*Shari'ah* Review Class, six months immediately preceding the Special *Shari'ah* Bar Examinations.
4. Not an incumbent elective public official.

VIII. Confidentiality of Identities of Examiners

Leakage or any appearance thereof of Special *Shari'ah* Bar Examinations questions must be avoided in order to maintain the integrity of the said examinations.

Towards this end, all examiners are enjoined to keep their identities confidential even to their respective families. Only the Chairman/Chairperson shall know the identities of the examiners.

Examiners are directed to refrain from fraternizing with the Chairperson, except regarding matters relating to said examinations. Should important/urgent matters arise, the same shall be communicated by the Chairperson directly to said examiners.

Identities of the Examiners shall be disclosed only after the release of the results of the said examinations.



IX. Subjects Covered in the Special *Shari'ah* Bar Examinations

The following subjects shall comprise the Special *Shari'ah* Bar Examinations:

1. Jurisprudence (*Fiqh*) and Customary Laws (*Adat*);
2. Persons, Family Relations and Property;
3. Succession, Wills/Adjudication and Settlement of Estates; and
4. Procedure in *Shari'ah* Courts

X. Language to be Used in the Special *Shari'ah* Bar Examinations and Appointment of Translators

English and Arabic shall be the official language of the Special *Shari'ah* Bar Examinations.

The NCMF shall submit a list of at least three (3) names who shall translate the bar examinations questions from English to Arabic or vice-versa.

The services of the said translators may also be utilized in the translation of answers of examinees from English to Arabic or vice-versa.

The translators must not be related to any candidate within the 4th civil degree of consanguinity or affinity and shall be subject to the rule on confidentiality.

XI. Preparation of Special *Shari'ah* Bar Examinations Questions and Answers

A. Number of Questions to be Submitted to the Chairman/Chairperson

Each examiner shall prepare thirty (30) main questions, excluding subdivisions, relating to the subject assigned to them. He/She shall likewise draft suggested as well as alternative answers to the said questions.

Said questions and suggested/alternative answers shall be in the handwriting of the examiner and placed in a sealed envelope.

They shall be submitted by the examiner personally to the Chairman/Chairperson at a pre-arranged time and place, which should at least be not less than forty-five (45) days before the scheduled examinations.

From the thirty (30) questions submitted, the Chairman/Chairperson shall select twenty (20) questions.



For cogent reasons, however, the Chairman/Chairperson may disregard the questions submitted by the examiner and prepare some or all of the questions to be used in the bar examinations.

All rough drafts in the preparation of questions and suggested/alternative answers, as well as photocopies and duplicate copies thereof, should be burned or shredded.

B. Coverage and Apportionment of Questions Among Fields Covered by Subject

Each examiner is urged to apportion the questions among the various fields of the subject assigned to him/her.

Suggestions from the examiner regarding the coverage of the subject assigned to him/her is encouraged.

C. Type of Questions

Case-type questions, which aim to gauge an examinee's (a) knowledge of basic legal principles, their rationale and application, (b) capacity for logical thinking and analysis, and (c) ability to clearly express his/her thought, are highly recommended.

Objective-type questions, which call for pure memorization or which opens room for guesswork, are strongly discouraged.

Emphases on questions depicting situations which are usually encountered during litigation are likewise discouraged. Bizarre, theoretical and extraordinary scenarios should be avoided.

D. Classification of Questions

Each examiner is directed to indicate, at the beginning of each question, the specific field to which the same relates to. Thus, if the general subject is "Persons, Family Relations and Property" and the specific field is "Property", the same must be shown at the beginning of each question. This will enable the Chairman/Chairperson to determine which questions to select and, at the same time, apportion them among the various specific fields of each subject.

XII. Delivery and Retrieval of Bar Examination Booklets; Pace of Correction

Upon the conclusion of the Special *Shari'ah* Bar Examinations, the Bar Confidant of the Supreme Court shall set the date for the correction of examination booklets by the assigned examiners.



Examiners coming from the province are required to come to Manila specifically for the correction of the said booklets.

Each examiner shall be given a maximum of seven (7) consecutive days to correct the said booklets, which shall be delivered by the Bar Confidant to the place where he/she is billeted.

Thereafter, the Bar Confidant shall retrieve said booklets from each examiner.

XIII. Evaluation of Bar Examination Answers

In the evaluation of bar examination answers, weight should be given to substance and content, particularly to one's (a) knowledge of basic legal principles, their rationale and application, (b) capacity for logical thinking and analysis, and (c) ability to clearly express his/her thought. Answers deemed erroneous may still be given credit if the reasoning process appears satisfactory.

XIV. Grading Mechanics

Only the total grade, which should be a whole number, must be written on: (a) the cover of the bar examination booklet; and (b) the

grade card attached to the examinations booklet. Fractional grades are discouraged.

Breakdown of the total grade given shall be reflected only in the grading sheets. There should, therefore, be no other mark on the examination booklets except for the total grade.

XV. Effectivity

These Rules shall take effect within fifteen (15) days following its publication, once in a newspaper of general circulation.

July 14, 2015.

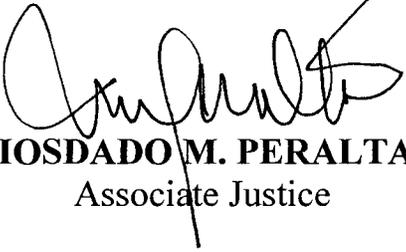

MARIA LOURDES P. A. SERENO
Chief Justice

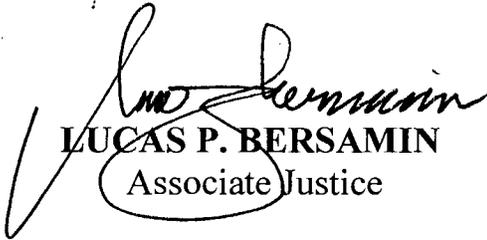
On leave
ANTONIO T. CARPIO
Associate Justice

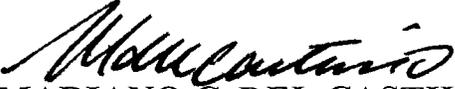

PRESBITERO J. VELASCO, JR.
Associate Justice


TERESITA J. LEONARDO-DE CASTRO
Associate Justice

On leave
ARTURO D. BRION
Associate Justice


DIOSDADO M. PERALTA
Associate Justice


LUCAS P. BERSAMIN
Associate Justice


MARIANO C. DEL CASTILLO
Associate Justice


MARTIN S. VILLARAMA, JR.
Associate Justice


JOSE PORTUGAL PEREZ
Associate Justice


JOSE CATRAL MENDOZA
Associate Justice

On leave
BIENVENIDO L. REYES
Associate Justice


ESTELA M. PERLAS-BERNABE
Associate Justice


MARVIC M.V.F. LEONEN
Associate Justice

On leave
FRANCIS H. JARDELEZA
Associate Justice