

RE: REQUEST OF THE BANGSAMORO TRANSITION AUTHORITY PARLIAMENT FOR THE PHILIPPINE JUDICIAL ACADEMY TO OFFER A SEPARATE PRE-JUDICATURE PROGRAM FOR APPLICANTS TO JUDGESHIP POSITION...

A.M. No. 24-07-30-SC, October 07, 2025

Ponente: DIMAAMPAO, J.

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DIMAAMPAO, J.:

Before the Court is the July 15, 2024 Letter[1] addressed to Chief Justice Alexander G. Gesmundo from Secretary-General Raby B. Angkal of the Bangsamoro Transition Authority Parliament (BTA Parliament), transmitting a copy of BTA Parliament Resolution No. 457 dated May 22, 2024 to the Court.[2]

The said Resolution requests that the Philippine Judicial Academy (PHILJA) offer a separate Pre-Judicature Program (PJP) of applicants vying for judicial vacancies in Shari'ah courts. For one, the syllabus for the current PJP "mostly covers regular Philippine law subjects"[3] and not Shari'ah-related laws. For another, such measure "will encourage competent and qualified candidates to apply and consequently aid in the administration of justice[.]"[4]

The BTA Parliament's request carries weight and conviction.

The Constitution itself ordains that members of the Judiciary shall be persons of proven competence, integrity, probity, and independence.[5]

To attain the aforementioned objective, the Judicial and Bar Council (JBC) was created. It is a constitutional body primarily tasked with recommending appointees to the Judiciary,[6] viz.:

The purpose of the JBC's existence is indubitably rooted in the categorical constitutional declaration that "[a] member of the [J]udiciary must be a person of proven competence, integrity, probity, and independence." To ensure the fulfillment of these standards in every member of the Judiciary, the JBC has been tasked to screen aspiring judges and justices, among others, making certain that the nominees submitted to the President are all qualified and suitably best for appointment. In this way, the appointing process itself is shielded from the possibility of extending judicial appointment to the undeserving and mediocre and, more importantly, to the ineligible or disqualified.[7] (Emphasis supplied)

Upon this point, the JBC is empowered to promulgate rules governing the process of ascertaining the fitness and qualifications of applicants to judicial posts:

As an offspring of the 1987 Constitution, the JBC is mandated to recommend appointees to the [J]udiciary and only those nominated by the JBC in a list officially transmitted to the President may be appointed by the latter as justice or judge in the [J]udiciary. Thus, the JBC is burdened with a great responsibility that is imbued with public interest as it determines the men and women who will sit on the judicial bench. While the 1987 Constitution has provided the qualifications of members of the [J]udiciary, this does not preclude the JBC from

having its own set of rules and procedures and providing policies to effectively ensure its mandate.[8] (Emphasis supplied)

Under JBC Resolution No. 2020-01, or the 2020 Revised JBC Rules, performance in the PJP offered by PHILJA is one of the criteria that the JBC shall consider in determining an aspirant's competence. The pertinent provision reads as follows:

SECTION 1. Guidelines in Determining Competence. – In determining the competence of applicants for nomination, the Council shall consider their educational preparation; relevant experience; work performance ratings; results of comprehensive medical examinations and psychological and psychiatric evaluations as prescribed under Rule 6; performance in the written evaluative examinations and personal interviews under Rule 7; and other relevant accomplishments, such as[] the performance in the Pre[-J]udicature Program of [PHILJA].

The Council shall also consider the nature, designation, and case docket of the court where the vacancy exists in assessing the fitness, qualifications, and competence of the applicants.[9] (Emphasis supplied)

Parenthetically, the law enjoins judicial applicants to undergo the PJP:

As soon as PHILJA shall have been fully organized with the composition of its Corps of Professorial Lecturers and other personnel, only participants who have completed the programs prescribed by the Academy and have satisfactorily complied with all the requirements incident thereto may be appointed or promoted to any position or vacancy in the Judiciary.[10] (Emphasis supplied)

The PJP is one of the core programs of PHILJA.[11] It is designed to introduce participants "to a judicial prospective of the law, a more reflective, inquiring[,] and philosophical perspective." [12] However, in recent times, the PJP is considered altogether as "an assessment tool using absolute measures to assess the qualification of applicants to judicial office[.]" [13]

Given the foregoing disquisitions, it is ineludible that aspirants to judicial vacancies in Shari'ah courts must also complete the PJP since Shari'ah courts are courts of limited jurisdiction which form part of the Philippine judicial system as provided in Article 137 of Presidential Decree No. 1083,[14] viz:

Article 137. Creation. There are hereby created as part of the judicial system, courts of limited jurisdiction, to be known respectively as Shari'a[h] District Courts and Shari'a[h] Circuit Courts, which shall exercise powers and functions in accordance with this Title.

Shari'a[h] courts and the personnel thereof shall be subject to the administrative supervision of the Supreme Court.

and Section 2, Article X of Republic Act No. 11054,[15] to wit:

Section 2. Shari'ah Courts. – Shari'ah courts within the Bangsamoro territorial jurisdiction shall form part of the Philippine judicial system subject to the supervision of the Supreme Court. The regular courts within the Bangsamoro Autonomous Region shall continue to function under the supervision of the Supreme Court.

However, as aptly noted in BTA Parliament Resolution No. 457, the current formulation of the PJP is focused on non-Shari'ah matters. As such, it may not serve as an accurate tool to gauge the competence of judicial applicants for Shari'ah courts since they are expected to possess a distinct qualification under the law, i.e., they must have "completed at least two years of Shari'ah or Islamic jurisprudence[.]" [16] This covers a range of topics that are generally beyond the scope of regular Philippine law subjects, such as (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 (Ijra-at al Mahakim al Shari'ah).[17]

Moreover, the Court finds and so holds that the BTA Parliament's request is viable. First, the Academic Council of PHILJA has a Department of Shari'ah and Islamic Laws and Jurisprudence, which can ultimately spearhead the creation of the PJP syllabus for Shari'ah court aspirants. Second, PHILJA already possesses the capacity to conduct training on Shari'ah-related subjects, such as the Judicial Career Enhancement Program for the Shari'ah Courts^[18] and the Shari'ah Training Seminar (in partnership with the National Commission on Muslim Filipinos).^[19] Third, PHILJA may tap the Court's Technical Working Group on Shari'ah for guidance on this matter.

In synthesis, the Court discerns no plausible reason to deny the BTA Parliament's request for a Shari'ah-oriented PJP, inasmuch as it is aligned with the Court's objective of strengthening PHILJA's programs for Shari'ah counselors-at-law, Shari'ah judges, and Shari'ah court personnel under the Strategic Plan for Judicial Innovations 2022-2027.

ACCORDINGLY, the Letter dated July 15, 2024 from Secretary-General Raby B. Angkal of the Bangsamoro Transition Authority Parliament is NOTED.

The Philippine Judicial Academy is DIRECTED to offer a specialized Pre-Judicature Program for applicants to judicial vacancies in Shari'ah courts.

SO ORDERED.

Leonen,[*][*] SAJ. (Acting, C.J.), Hernando, Inting, Zalameda, Gaerlan, Rosario, Marquez, Kho, Jr., and Villanueva, JJ., concur.

Gesmundo,[*] C.J., on official leave.

Caguioa,[*][*][*] Lazaro-Javier,[*][*][*] J. Lopez,[*][*][*] and Singh,[*][*][*] JJ., on official business.

[*] On official leave.

[*][*] Per Special Order No. 3223 dated September 15, 2025.

[*][*][*] On official business.

[1] Rollo, pp. 1-3.

[2] Id. at 2-3.

[3] Id. at 2.

[4] Id.

[5] CONST., art. VIII, sec. 7(3).

[6] CONST., art. VIII, sec. 8(5).

[7] Jardeleza v. Sereno, 741 Phil. 460, 492 (2014) [Per J. Mendoza, En Banc].

[8] Judge Villanueva v. Judicial and Bar Council, 757 Phil. 534, 548-549 (2015) [Per J. Reyes, En Banc].

[9] 2020 Revised JBC Rules, Rule 3, sec. 1.

[10] Republic Act No. 8557 (1998), sec. 10, An Act Establishing the Philippine Judicial Academy, Defining Its Powers and Functions, Appropriating Funds Therefor, and for Other Purposes.

[11] See PHILJA, Core Programs, available at <https://philja.judiciary.gov.ph/index.php> (last accessed on July 10,

2025).

[12] Fr. Ranhilio C. Aquino, PhD, JurDr, Academy Programs – A Running Commentary, available at https://philja.judiciary.gov.ph/files/learning_materials/Academy_Programs.pdf (last accessed on July 10, 2025).

[13] Associate Justice Arturo D. Brion (Ret.), Views from the Ridge: Pre-Judicature Program for the Judiciary, MANILA BULL., September 20, 2021, available at <https://mb.com.ph/2021/9/20/pre-judicature-program-pjp-for-the-judiciary> (last accessed on July 10, 2025).

[14] CODE OF MUSLIM PERSONAL LAWS.

[15] Bangsamoro Organic Law.

[16] Republic Act No. 11054, art. X, sec. 8. Before the Bangsamoro Organic Law, the Code of Muslim Personal Laws (CMPL) governed the qualifications for Shari'ah court magistrates. Under Article 152 of the CMPL, Shari'ah Circuit Court judges must, among others, have passed the Shari'ah Bar Examinations given by the Supreme Court. Meanwhile, Article 140 of the CMPL requires Shari'ah District Court judges to be learned in Islamic law and jurisprudence, among others.

[17] See Bar Matter No. 5067, January 28, 2025, Re: Revising Qualifications for Shari'ah Bar Candidates.

[18] See Supreme Court, SC Holds Second Shari'ah Summit to Strengthen Shari'ah Courts, August 3, 2024 available at <https://sc.judiciary.gov.ph/sc-holds-second-shariah-summit-to-strengthen-shariah-courts/> (last accessed on July 10, 2025).

[19] See PHILJA, Guidelines to Participants, available at <https://philja.judiciary.gov.ph/STS/guide>. (last accessed on July 10, 2025).

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