

RE: REQUEST OF JURISCONSULT SAMANODIN L. AMPASO FOR UPGRADING OF HIS POSITION TO SALARY GRADE 31, EQUIVALENT TO ASSOCIATE JUSTICE OF THE SUPREME COURT

A.M. No. 91-10-160. May 15, 1996

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PER CURIAM:

Samanodin L. Ampaso, former Judge of the Shari'a Circuit Court in Tubod, Lanao del Norte, was appointed as Jurisconsult in Islamic Law on March 26, 1991 by then President Corazon C. Aquino, and took his oath of office on April 10, 1991. The said position was created by virtue of Section 164, paragraph 2 of P. D. No. 1083, otherwise known as the Code of Muslim Personal Laws of the Philippines.

Thereafter, on May 2, 1991, the newly appointed Jurisconsult requested this Court for the upgrading of his position to Salary Grade 31, equivalent to an Associate Justice of the Supreme Court, claiming that under P.D. 1083 he is the highest Muslim Judicial Officer of the Philippines. He also submitted a proposed plantilla calling for the creation of 209 staff positions for the Office of the Jurisconsult.

Under P.D. 1083, a Jurisconsult in Islamic Law or Muffi is an officer who renders legal opinions on any question relating to Muslim law. He assists the Qadi or Judge, by giving him fatwas or legal opinions. The opinions thus rendered shall merely serve to enlighten the court or the parties concerned, who, however are not necessarily bound to follow the same.

The pertinent provisions of P.D. 1083 are hereinbelow reproduced for ease of reference:

"Title III. Jurisconsult in Islamic Law

Art. 164. Creation of office and appointment.-- (1) There shall be a Jurisconsult in Islamic Law, who shall be appointed by the President of the Philippines and hold office for a term of seven years, without prejudice to reappointment, unless sooner removed for cause or incapacitated to discharge the duties of his office.

(2) The Office of the Jurisconsult shall be under the administrative supervision of the Supreme Court of the Philippines, which shall also fix its permanent station, preferably in the City of Zamboanga.

Art. 165. Qualifications.--No person shall be appointed Jurisconsult in Islamic Law unless he is a citizen of the Philippines, at least forty years of age, of good moral character and proven integrity, and an eminent scholar in the Qur'an and Hadith and in Islamic jurisprudence as well as proficient in Arabic.

Art. 166. Functions.--(1) The Jurisconsult shall, on the written request of any interested party, have the authority to render legal opinions, based on recognized authorities, regarding any question relating to Muslim Law. For this purpose, he may, if he deems it necessary, consult or ask for a consensus of the 'ulama'.

(2) The Jurisconsult shall consider and act on every such request unless, in his opinion and for good reason, the question need not be answered.

(3) The Office of the Jurisconsult shall keep a compilation and cause the publication of all his legal opinions.

Art. 167. Compensation.--Until otherwise provided by law, the jurisconsult shall receive an annual compensation of forty-eight thousand pesos which shall not be diminished during his term of office.

Art. 168. Office personnel.--The Jurisconsult may, in accordance with the Civil Service Law and subject to the approval of the Supreme Court, appoint and fix the compensation of such personnel as may be necessary for the performance of his functions."

However, a cursory check by the Office of the Court Administrator into the 201 files of Mr. Ampaso revealed that he was born on January 2, 1952. This information regarding his date of birth was personally supplied by him in his Personal Data Sheet for judges and in the information sheet for membership in the GSIS which he personally filled up and filed on July 1, 1985. On the basis of such data, it is evident that when he took his oath as Jurisconsult on April 10, 1991, he was only 39 years, 3 months and 8 days, and that therefore, he failed to comply with the age requirement as provided under Article 165 of P.D. 1083.

Thus, on March 31, 1992, the Court through an en banc resolution required Mr. Ampaso to show cause why he should not be removed from office for failing to fulfill the age requirement at the time he took his oath as Jurisconsult.

In his comment, he claimed that his true birthdate is January 2, 1948 and not January 2, 1952 as appearing in his GSIS information sheet and personal data sheet, and that the latter documents were not personally prepared by him but by his brother who inadvertently mis-stated the year of his birth. To support his claim, he submitted various documentary proof, including the original of his passport issued on July 17, 1985, and a duplicate copy of his "Birth Certificate for Late Registration" issued on February 10, 1983. He alleged that the mis-statement in his year of birth was not done in bad faith nor was it intended to cause damage to any party, it having been the result of an honest mistake.

Obviously, the issue of the validity of the appointment of Mr. Ampaso as Jurisconsult must first be resolved before determining whether or not his request for upgrading of salary is proper. The resolution of said primordial issue hinges on whether all the requirements for the appointment had been duly complied with or not.

The Senior Deputy Court Administrator found the comment and explanation of Mr. Ampaso attributing to his brother the innocent mis-declaration of his year of birth, to be unacceptable. We hold that Mr. Ampaso's claim is nothing but a lame excuse and a mere after-thought. It is very unlikely, improbable and unbecoming that a person aspiring for such a high office would request another to fill up and file such personal data forms. But granting that he did make such request, still, he himself had to sign the forms just the same prior to filing, and in the normal course of things, he should have read the documents before affixing his signature thereto. That he signed it without reading and/or understanding its contents is not excusable, nor credible. As an aspiring member of the Bench, it was incumbent upon Mr. Ampaso to check and double-check important personal data being supplied through such forms. It is thus no excuse to say that someone else prepared the forms or that his own brother must have forgotten (or was not aware of) his year of birth. The subsequent submission of what purports to be a late-registration birth certificate (uncertified), plus a passport and affidavits of disinterested person attesting to his actual date of birth did not cure the defect. Neither do they constitute adequate proof as to the actual date/year of his birth, since the affidavits are hearsay and self-serving, while passports " by their very nature and process of issuance " cannot pass as conclusive evidence insofar as the year and date of birth are concerned, since such data are supplied by the passport applicants themselves. Neither would an uncertified "late-registration" certificate of live birth purportedly issued some thirty-five (35) years after the supposed date of birth.

The foregoing premises considered, we are constrained to hold that the appointment of Mr. Ampaso as Jurisconsult was legally invalid from the beginning.

WHEREFORE, premises considered, the Court hereby Resolves to declare NULL and VOID ab initio the appointment of Samanodin Ampaso as Jurisconsult.

SO ORDERED.

Narvasa, C.J., Padilla, Regalado, Davide, Jr., Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Francisco, Hermosisima, Jr. Panganiban, and Torres, Jr., JJ., concur.

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