

EN BANC

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

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

R E S O L U T I O N

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