

A PRIMER ON THE
**Code of Muslim
Personal Laws
of the Philippines**



Produced under the “Project: Development of a Comprehensive IEC Plan for the Shari’a Justice System” funded by The Asia Foundation, Grant No. 30394-26-330-26-29804.

ASIAN INSTITUTE OF JOURNALISM AND COMMUNICATION (AIJC)

Unit 902, Annapolis Wilshire Plaza, 11 Annapolis Street

Greenhills, San Juan City, Philippines

Tel. Nos. (632) 724-4564, 727-6799

Website: www.aijc.com.ph

Email address: info@aijc.com.ph

AIJC Project Team

RAMON R. TUAZON

Project Team Leader

ANN LOURDES C. LOPEZ

Project Manager

CONCHITA G. BIGORNIA

Media Specialist

SAMIRA GUTOC-TOMAWIS

Senior Writer-Researcher

LOREGENE M. MACAPUGAY

Project Assistant

RODANTE M. PANGAN

Finance Officer

Cover design and layout: MA. IMELDA E. SAMSON

Illustrations: NEIL DOLORICON

This *A Primer on the Code of Muslim Personal Laws of the Philippines* was made possible with support provided by The Asia Foundation and the U.S. Agency for International Development under the terms of Award No. 492-G-00-98-00032-00. The opinions expressed here are those of the authors and do not necessarily reflect the views of The Asia Foundation or the U.S. Agency for International Development.

A Primer on Code of Muslim Personal Laws of the Philippines

INTRODUCTION

In Philippine history, the Sulu Sultanate promulgated the *Diwan Taosug* as the principal personal law codex of Sulu. In the eighteenth century, the Sultan of Maguindanao promulgated a more comprehensive codex, the *Luwaran sa Magindanao*. (Mastura 2005)



After the country became independent from the U.S. in 1946, several laws were passed that recognized certain aspects of Muslim personal laws. Republic Act 386 or the New Civil Code recognized marriages among Muslims and mixed marriages between Muslims and Christians. RA 394 recognized divorce among Muslims. RA 6268 extended the applications on Muslim marriages for another ten years after the expiration of the 20-year period stipulated in RA 386.

In 1977, the *Code of Muslim Personal Laws of the Philippines* (CMPL) was enacted by President Ferdinand Marcos through Presidential Decree 1083. The promulgation of CMPL followed closely the signing of the Tripoli Agreement of 1976, the first peace agreement between the Philippine government and the Moro National Liberation Front.

The Tripoli Agreement provided for the establishment of autonomy in southern Philippines “within the realm of Philippine sovereignty and territorial integrity of the Republic of the Philippines.” It also stipulated that Muslims in the specified areas of autonomy were to be given the right to set up their own courts that would implement Shari’a laws. The CMPL addresses this provision on Muslim courts.

GENERAL PROVISIONS

WHY WAS THE CODE OF MUSLIM PERSONAL LAWS OF THE PHILIPPINES (CMPL) ENACTED?

The CMPL was enacted to:

- Recognize the legal system of Muslims in the Philippines as part of the law of the land
- Make Islamic institutions more effective
- Codify Muslim personal laws
- Provide for an effective administration and enforcement of Muslim personal laws among Muslim Filipinos. (Art. 2)

TO WHOM DOES THE CMPL APPLY?

The provisions of this Code apply only to Muslims. Nothing in the Code shall be construed to operate to the prejudice of non-Muslims. (Art. 3.3)

WHAT MUSLIM PERSONAL LAWS ARE COVERED BY THE CODE?

The CMPL covers all laws relating to personal status, marriage and divorce, matrimonial and family relations, succession and inheritance, and property relations between and among Muslim Filipinos. (Art. 7.i)

WHAT HAPPENS WHEN THERE IS CONFLICT BETWEEN THE CMPL AND OTHER LAWS?

In case of conflict between any provision of this Code and laws of general application, the CMPL provision shall prevail. (Art. 3.1)

Should the conflict be between any provision of this Code and special laws or laws of local application, the provision from the special law or law of local application shall be liberally construed in order to carry out the provision of the CMPL. (Art. 3.2)

ON MARRIAGE

TO WHOM DOES THE PROVISION ON MARRIAGE AND DIVORCE APPLY?

The CMPL applies to marriage and divorce wherein:

- Both parties are Muslims, or
- Only the male party is a Muslim and the marriage is solemnized in accordance with Muslim law or this Code in any part of the Philippines. (Art. 13.1)



WHEN WILL THE CMPL NOT APPLY IN CASE OF A MARRIAGE BETWEEN A MUSLIM AND A NON-MUSLIM?

In case of a marriage between a Muslim and a non-Muslim that has been solemnized not in accordance with Muslim law or this Code, the Civil Code of the Philippines shall apply. (Art. 13.2)

WHAT ARE REQUIRED FOR MARRIAGE?

- Legal capacity of the contracting parties
- Mutual consent of the parties freely given
- Offer (*ijab*) and acceptance (*qabul*) duly witnessed by at least two competent persons after the proper guardian in marriage (*wali*) has given his consent
- Stipulation of customary dower (*mahr*) duly witnessed by two competent persons. (Art. 15)

WHO MAY CONTRACT MARRIAGE?

Any Muslim male at least fifteen years of age and any Muslim female of the age of puberty or upwards and not suffering from any impediment under the provisions of this Code may contract marriage. A female is presumed to have attained puberty upon reaching the age of fifteen. (Art. 16.1)

CAN A FEMALE BELOW FIFTEEN YEARS OF AGE CONTRACT MARRIAGE?

Yes. The Shari'a District Court may, upon petition of a proper *wali*, order the solemnization of the marriage of a female who, though less than fifteen but not below twelve years of age, has attained puberty. (Art. 16.2)

IF ANY OF THE CONTRACTING PARTIES IS BELOW THE PRESCRIBED AGE, WHAT HAPPENS TO THE MARRIAGE?

Marriage through a *wali* by a minor below the prescribed age shall be regarded as betrothal. It may be annulled upon the petition of either party within four years after attaining the age of puberty, provided no voluntary cohabitation has taken place and the *wali* who contracted the marriage was other than the father or paternal grandfather. (Art. 16.3)

HOW IS THE MARRIAGE CEREMONY CONDUCTED?

No particular form of marriage ceremony is required. But the *ijab* and the *qabul* in marriage shall be declared publicly in the presence of the person solemnizing the marriage and two competent witnesses. This declaration shall be set forth in an instrument in triplicate, signed or marked by the contracting parties and said witnesses, and attested by the person solemnizing the marriage. One copy shall be given to the contracting parties and another sent to the Circuit Registrar by the solemnizing officer who shall keep the third.

WHO HAS AUTHORITY TO SOLEMNIZE MARRIAGE?

- The proper *wali* of the woman to be wedded
- Upon authority of the proper *wali*, any person who is competent under Muslim law to solemnize marriage, or
- The judge of the Shari'a District Court or Shari'a Circuit Court or any person designated by the judge, should the proper *wali* refuse without justifiable reason to authorize the solemnization. (Art. 18)

HOW IS THE VALUE OF THE DOWER DETERMINED?

The amount or value of dower may be fixed (*mahr-mussama*) by the contracting parties before, during or after the celebration of marriage. If the amount or the



value of the dower has not been fixed, a proper dower (*mahr-mithl*) shall, upon petition of the wife, be determined by the court according to the social standing of the parties. (Art. 20)

WHEN IS THE DOWER PAID?

Subject to the stipulation of the parties, the dower may be fully or partially paid before, during, or after the marriage. The property or estate of the husband shall be liable for the unpaid dower, or any part thereof. (Art. 21)

WHAT MARRIAGES ARE PROHIBITED?

No marriage may be contracted by parties within the prohibited degrees of:

- Consanguinity
- Affinity, and
- Fosterage. (Article 23)

WHAT ARE THE PROHIBITIONS BY CONSANGUINITY (*TAHRIMJBINNASAB*)?

No marriage shall be contracted between:

- Ascendants and descendants of any degree

- Brothers and sisters, whether germane, consanguine, or uterine, and
- Brothers and sisters and their descendants within the third civil degree. (Art. 24)

WHAT ARE THE PROHIBITIONS BY AFFINITY (*TAHRIM-BIL-MUSAHARA*)?

No marriage shall be contracted between:

- Any of the spouses and their respective affinal relatives in the ascending line and in the collateral line within the third degree
- Stepfather and stepdaughter when the marriage between the former and the mother of the latter has been consummated, and
- Stepson or stepdaughter and the widow, widower or divorcee of their respective ascendants.

This prohibition applies even after the dissolution of the marriage creating the affinal relationship. (Art. 25)

WHAT ARE THE PROHIBITIONS BY FOSTERAGE (*TAHRIM-BIRRADA'A*)?

- No person may validly contract marriage with any woman who breastfed him for at least five times within two years after his birth.
- The prohibition on marriage by reason of consanguinity shall likewise apply to persons related by fosterage within the same degrees, subject to exceptions recognized by Muslim law. (Art. 26)

WHEN IS A HUSBAND ALLOWED TO HAVE MORE THAN ONE WIFE?

Notwithstanding the rule of Islamic law permitting a Muslim to have more than one wife but not more than four at a time, no Muslim male can have more than one wife unless he can deal with them with equal companionship and just treatment as enjoined by Islamic law and only in exceptional cases. (Art. 27)

WHEN IS A WIDOW ALLOWED TO REMARRY?

No widow shall contract a subsequent marriage unless she has observed an *'idda* (period of waiting) of four months and ten days counted from the date of the death of her husband. If at that time the widow is pregnant, she may remarry within a reasonable time after delivery. In such case, she shall produce the corresponding death certificate. (Art. 28)

WHEN IS A DIVORCED WOMAN ALLOWED TO REMARRY?

No woman shall contract a subsequent marriage unless she has observed an *'idda* of three monthly courses counted from the date of divorce. However, if she is pregnant at the time of divorce, she may remarry only after delivery. (Art. 29.1)
Where it is indubitable that the marriage has not been consummated when the divorce was effected, no *'idda* shall be required. (Art. 29.3)

WHEN IS A HUSBAND NOT ALLOWED TO REMARRY HIS OWN WIFE WHOM HE HAS REPUDIATED?

Where a wife has been thrice repudiated (*talaq bain kubra*) on three different occasions by her husband, he cannot remarry her unless she shall have married another person who divorces her after consummation of the intervening marriage and the expiration of the *'idda*. (Art. 30.1)

WHAT ARE THE MUTUAL RIGHTS AND OBLIGATIONS OF SPOUSES?

- The husband and the wife are obliged to live together, observe mutual respect and fidelity, and render mutual help and support in accordance with this Code.
- When one of the spouses neglects his or her duties to the conjugal union or brings danger, dishonor or material injury upon the other, the injured party may petition the court for relief. The court may counsel the offender to comply with his duties and take such measures as may be proper.
- The husband and the wife shall inherit from each other in accordance with this Code.
- The husband and the wife shall have the right to divorce in accordance with this Code. (Art. 34)



WHAT ARE THE RIGHTS AND OBLIGATIONS OF THE HUSBAND?

- The husband shall fix the residence of the family. (Art. 35)
- The husband shall be bound to reimburse the wife for purchases necessary for the maintenance of the family, if he has not delivered the proper sum. (Art. 36.1)

WHEN CAN THE WIFE NOT LIVE WITH HER HUSBAND?

The court may exempt the wife from living with her husband on any of the following grounds:

- Her dower is not satisfied in accordance with the stipulations, or
- The conjugal dwelling is not in keeping with her social standing or is, for any reason, not safe for the members of the family or her property. (Art. 35. a-b)

WHAT ARE THE RIGHTS AND OBLIGATIONS OF THE WIFE?

The wife shall dutifully manage the affairs of the household.

- The wife cannot, without the husband's consent, acquire any property by gratuitous title, except from her relatives who are within the prohibited degrees in marriage.
- The wife may, with her husband's consent, exercise any profession or occupation or engage in lawful business which is in keeping with Islamic modesty and virtue. However, if the husband refuses to give his consent on the ground that his income is sufficient for the family according to its social standing or his opposition is based on serious and valid grounds, the matter shall be referred to the *Agama* Arbitration Council.
- The wife shall have the right to demand the satisfaction of her *mahr* (dower).

- Unless otherwise stipulated in the marriage settlements, the wife retains ownership and administration of her exclusive property.
- The wife shall be entitled to an equal and just treatment by the husband. (Art. 36)

HOW SHALL THE PROPERTY RELATIONS BETWEEN SPOUSES BE GOVERNED?

The property relations between husband and wife shall be governed in the following order:

- By contract before or at the time of the celebration of marriage
- By the provisions of this Code, and
- By custom. (Art. 37)

WHAT ARE THE EXCLUSIVE PROPERTIES OF EACH SPOUSE?

- Properties brought to the marriage by the husband or the wife
- All income derived by either spouse from any employment, occupation or trade
- Any money or property acquired by either spouse during marriage by lucrative title
- The dower (*mahr*) of the wife and nuptial gifts to each spouse
- Properties acquired by right of redemption, purchase or exchange of the exclusive property of either, and
- All fruits of properties mentioned in the foregoing paragraphs. (Art. 41)

HOW WILL EACH SPOUSE ADMINISTER HIS/HER EXCLUSIVE PROPERTY?

Each spouse shall own, possess, administer, enjoy and dispose of his or her own exclusive estate even without the consent of the other. However, the court may, upon petition of either spouse, grant to the other the administration of such property. (Art. 42)

WHAT IS THE EFFECT ON MARRIAGE OF A NON-MUSLIM SPOUSE'S CONVERSION TO ISLAM?

The conversion of non-Muslim spouses to Islam shall have the legal effect of rectifying their marriage as if the same had been performed in accordance with the provisions of this Code or Muslim law, provided that there is no legal impediment to the marriage under Muslim law. (Art. 178)

WHAT IS THE RULE ON BIGAMY?

The provisions of the Revised Penal Code relative to the crime of bigamy shall not apply to a person married in accordance with the provisions of this Code or, before its effectivity, under Muslim law. (Art. 180)

ON DIVORCE

WHAT IS DIVORCE?

Divorce is the formal dissolution of the marriage bond in accordance with this Code to be granted only after the exhaustion of all possible means of reconciliation between the spouses. (Art. 45)



WHAT ARE THE FORMS OF DIVORCE?

- Repudiation of the wife by the husband (*talaq*)
- Vow of continence by the husband (*ila*)
- Injurious assimilation of the wife by the husband (*zihar*)
- Acts of imprecation (*li'an*)
- Redemption by the wife (*khul'*)
- Exercise by the wife of the delegated right to repudiate (*tafwid*)
- Judicial decree (*faskh*) (Art. 45)

WHAT IS DIVORCE BY TALAQ?

A divorce by *talaq* may be effected by the husband in a single repudiation of his wife during her non-menstrual period (*tuhr*) within which he has totally abstained from carnal relation with her. Any number of repudiations made during one *tuhr* shall constitute only one repudiation and shall become irrevocable after the expiration of the prescribed *'idda*.

A husband who repudiates his wife, either for the first or second time, shall have the right to take her back (*ruju'*) within the prescribed *'idda* by resumption of cohabitation without need of a new contract of marriage. Should he fail to do so, the repudiation shall become irrevocable (*talaq bain sugra*). (Art. 46)

WHAT IS DIVORCE BY ILA?

Where a husband makes a vow to abstain from any carnal relation (*ila*) with his wife and keeps such *ila* for a period of not less than four months, she may be granted a decree of divorce by the court after due notice and hearing. (Art. 47)

WHAT IS DIVORCE BY ZIHAR?

Where the husband has injuriously assimilated (*zihar*) his wife to any of his relatives within the prohibited degrees of marriage, they shall mutually refrain from having carnal relation until he shall have performed the prescribed expiation. The wife may ask the court to require her husband to perform the expiation or to pronounce a regular *talaq* should he fail or refuse to do so, without prejudice to her right of seeking other appropriate remedies. (Art. 48)

WHAT IS DIVORCE BY LI'AN?

Where the husband accuses his wife in court of adultery, a degree of perpetual divorce may be granted by the court after due hearing and after the parties shall have performed the prescribed acts of imprecation (*li'an*). (Art. 49)

WHAT IS DIVORCE BY KHUL'?

The wife may, after having offered to return or renounce her dower or to pay any other lawful consideration for her release (*khul'*) from the marriage bond,

petition the court for divorce. The court shall, in meritorious cases and after fixing the consideration, issue the corresponding decree. (Art. 50)

WHAT IS DIVORCE BY *TAFWID*?

If the husband has delegated (*tafwid*) to the wife the right to effect a *talaq* at the time of the celebration of the marriage or thereafter, she may repudiate the marriage and the repudiation would have the same effect as if it were pronounced by the husband himself. (Art. 51)

WHAT IS DIVORCE BY *FASKH*?

The court may, upon petition of the wife, decree a divorce by *faskh* on any of the following grounds:

- Neglect or failure of the husband to provide support for the family for at least six consecutive months
- Conviction of the husband by final judgment sentencing him to imprisonment for at least one year
- Failure of the husband to perform for six months without reasonable cause his marital obligation in accordance with the Code
- Impotency of the husband
- Insanity or affliction of the husband with an incurable disease which would make the continuance of the marriage relationship injurious to the family
- Unusual cruelty of the husband, or
- Any other cause recognized under Muslim law for the dissolution of marriage by *faskh* either at the instance of the wife or the proper *wali*. (Art. 52)

WHAT ARE ACTS OF UNUSUAL CRUELTY OF THE HUSBAND?

- Habitually assaults his wife or makes her life miserable by cruel conduct even if this does not result in physical injury
- Associates with persons of ill-repute or leads an infamous life or attempts to force the wife to live an immoral life
- Compels his wife to dispose of her exclusive property or prevents her from exercising her legal rights over it
- Obstructs his wife in the observance of her religious practices, or
- Does not treat his wife justly and equitably as enjoined by Islamic law. (Art. 53)

WHAT ARE THE EFFECTS OF IREVOCABLE *TALAQ* OR *FASKH*?

- The marriage bond shall be severed and the spouses may contract another marriage in accordance with this Code.
- The spouses shall lose their mutual rights of inheritance.
- The custody of children shall be determined in accordance with Article 78 of CMPL.
- The wife shall be entitled to recover from the husband her whole dower in case the *talaq* has been effected after the consummation of the marriage, or one-half thereof if effected before its consummation.
- The husband shall not be discharged from his obligation to give support in accordance with Article 67, and
- The conjugal partnership, if stipulated in the marriage settlements, shall be dissolved and liquidated. (Art. 54)

ON LEGITIMATE CHILDREN AND SUPPORT

WHO ARE LEGITIMATE CHILDREN?

- Children conceived in lawful wedlock shall be presumed to be legitimate.
- Children born after six months following the consummation of marriage or within two years after the dissolution of the marriage shall be presumed to be legitimate. (Art. 59)



WHAT ARE THE RIGHTS OF A LEGITIMATE CHILD?

- To bear the surnames of the father and of the mother
- To receive support from the father or, in his default, from his heirs in accordance with Articles 65 (definition of support) and 68 (support between ascendants and descendants)
- To share in the legitimate (*furud*) and other successional rights which this Code recognizes in his favor. (Art. 62)

HOW IS SUPPORT DEFINED?

Support (*nafaqa*) includes everything that is indispensable for sustenance, dwelling, clothing and medical attendance according to the social standing of the person obliged to give it, and the education of the person entitled to the support until he completes his education, training or vocation even beyond the age of majority. (Art. 65)

HOW MUCH SUPPORT IS REQUIRED?

The amount of support shall be in proportion to the resources of the giver and the needs of the recipient. (Art. 66)

WHAT ABOUT SUPPORT FOR THE WIFE?

The wife shall be entitled to support during the marriage. (Art. 67.1)

IN CASE OF DIVORCE, ARE THE WIFE AND INFANT ENTITLED TO SUPPORT?

In case of divorce (*talaq*), her right shall be extended up to the expiration of the *'idda*. However, in case the wife is pregnant at the time of the separation, she shall be entitled to support until delivery. (Art. 67.1)

Any divorced nursing mother who continues to breastfeed her child for two years shall be entitled to support until the time of weaning. (Art. 67.2)

ON PARENTAL AUTHORITY. CUSTODY AND GUARDIANSHIP

WHO EXERCISES PARENTAL AUTHORITY OVER LEGITIMATE CHILDREN?

The father and the mother shall jointly exercise just and reasonable parental authority and fulfill their responsibility over their legitimate and acknowledged children. In case of disagreement, the father's decision shall prevail unless there is judicial order to the contrary. (Art. 71.1)

WHAT ABOUT CHILDREN BORN OUT OF WEDLOCK?

The mother shall exercise parental authority over her children born out of wedlock, but the court may, when the best interests of the children so require, appoint a general guardian. (Art. 71.2)



WHEN IS PARENTAL AUTHORITY TERMINATED?

- Parental authority terminates upon the death of the parents or the child, or upon emancipation.
- Subject to Article 78 (on care and custody), the widowed mother who contracts a subsequent marriage shall lose parental authority and custody over all children by the deceased husband, unless the second husband is related to them within the prohibited degrees of consanguinity.
- The court may deprive a person of parental authority or suspend the exercise thereof if he treats his children with excessive harshness, gives them corrupting or immoral orders and counsel, or abandons them. (Art. 77)

WHO HAS CARE AND CUSTODY OF MINOR CHILDREN?

- The care and custody of children below seven years of age whose parents are divorced shall belong to the mother or, in her absence, to the maternal grandmother, the paternal grandmother, the sister and aunts. In their default, it shall devolve upon the father and the nearest paternal relatives. The minor above seven years of age but below the age of puberty may choose the parent with whom he wants to stay. (Art. 78.1)
- The unmarried daughter who has reached the age of puberty shall stay with the father; the son, under the same circumstances, shall stay with the mother. (Art. 78.2)

WHO HAS AUTHORITY TO ACT AS GUARDIAN FOR MARRIAGE (WALI)?

In the order of precedence:

- Father
- Parental grandfather
- Brother and other paternal relatives
- Paternal grandfather's executor or nominee, or
- The court. (Art. 79)

WHO CAN EXERCISE GURDIANSHIP OVER THE PROPERTY OF MINORS?

In the order of precedence:

- Father
- Father's executor or nominee
- Paternal grandfather
- Paternal grandfather's nominee
- The court. (Art. 80)

ON SUCCESSION



WHAT IS SUCCESSION?

Succession is a mode of acquisition by virtue of which the estate of a person is transmitted to his heirs or others in accordance with this Code. (Art. 89)

WHAT ARE THE REQUISITES OF SUCCESSION?

- The death of the decedent is ascertained.
- The successor is alive at the time of death of the decedent.
- The successor is not disqualified to inherit. (Art. 91)

WHAT CAN BE INHERITED?

The inheritance (*mirath*) of a person includes all properties of any kind, movable or immovable, whether ancestral or acquired either by onerous or gratuitous title, as well as all transmissible rights and obligations at the time of his death and those that accrue thereto before partition. (Art. 92)

WHO ARE DISQUALIFIED TO SUCCESSION?

- Those who have intentionally caused directly or indirectly the death of the decedent
- Those who have committed any other act which constitutes a ground for disqualification to inherit under Islamic law
- Those who are so situated that they cannot inherit under Islamic law. (Art. 93)

DOES AN ILLEGITIMATE CHILD HAVE THE RIGHT OF SUCCESSION?

A child who was the cause of the mother's divorce by *li'an* shall have mutual rights of succession only with the mother and her relatives. (Art. 95)

DO DIVORCED PERSONS HAVE SUCCESSION RIGHTS?

The husband who divorces his wife shall have mutual rights of inheritance with her while she is observing her *'idda*. After the expiration of the *'idda*, there shall be no mutual rights of succession between them. (Art. 96.1)

The husband who, while in a condition of death-illness, divorces his wife shall not inherit from her, but she shall have the right to succeed him even after the expiration of her *'idda*. (Art. 96.2)

WHAT IS THE ORDER OF SUCCESSION AMONG HEIRS?

The heirs of a decedent shall inherit in the following order:

- Sharers (*ashab-ul-furud*) shall be entitled to fixed shares.
- Residuaries (*ashab-ul-mirath*) shall be entitled to the residue.
- In the absence of the foregoing, the distant kindred (*dhaw-ul-arham*) who are blood relatives but are neither sharers nor residuaries.
- In the default of the above, the acknowledged kinsman, universal legatee, or the public treasury (*bait-ul-mal*), in that order. (Art. 99)

WHAT IS A WILL?

A will (*wasiya*) is a declaration whereby a person is permitted, with the formalities prescribed by law, to control the disposition after his death of not more than one-third of his estate, if there are heirs, or the whole of it, if there are no heirs or distant kindred. (Art. 101)

WHO ARE SHARERS?

The following persons shall be entitled to the inheritance as sharers:

- The husband, the wife
- The father, the mother, the grandfather, the grandmother
- The daughter and the son's daughter in the direct line
- The full sister, the consanguine sister, the uterine sister and the uterine brother. (Art. 110)

WHAT ARE THE RULES ON EXCLUSION OF HEIRS?

- In the same line, the relative nearest in degree excludes the more remote.
- Full-blood relatives exclude the consanguine and the uterine.
- Whoever is related to the decedent through any person shall not inherit while the latter is living, except in the case of a mother concurring with her children.
- Heirs who, in a particular case, do not succeed by reason of disqualification on any ground shall not exclude others. (Art. 123)

REFERENCES:

Barra, Hamid A. (2004). *A Primer on the Code of Muslim Personal Laws of the Philippines*. Marawi City: Al-Mujadilah Development Foundation, Inc..

Code of Muslim Personal laws of the Philippines. (2005). Quezon City: Office of Muslim Affairs.

Mastura, Datu Michael O. (2005). "Introduction" in *Code of Muslim Personal laws of the Philippines*. Quezon City: Office of Muslim Affairs.

For more information on the Code of Muslim Personal Laws of the Philippines,
please contact:

Office of the Department Chair
SHARI'A AND ISLAMIC JURISPRUDENCE
Philippine Judicial Academy
Supreme Court of the Philippines
Padre Faura St., Manila

Tel. No.: (63-2) 552-9524

Tel/Fax: (63-2) 552-9526

E-mail: philja@supremecourt.gov.ph

Website: philja.supremecourt.gov.ph



Asian Institute of Journalism
and Communication



USAID
FROM THE AMERICAN PEOPLE



The Asia Foundation