The Need for Islamic Information Management in the Information Institutions In Malaysia: An Analysis of Problems

Mohd Nazir Ahmad
Senior Lecturer
Faculty of Information Management, Universiti Teknologi MARA (UiTM)
naziruitm@yahoo.com

Mohd Noor Mamat
Senior Lecturer
Centre for Islamic Thought and Understanding, Universiti Teknologi MARA (UiTM)
mohdnoor@salam.uitm.edu.my

Siti Fatahiyah Mahamood
Lecturer
Centre for Islamic Thought & Understanding, INTEC Shah Alam:
sitif006@salam.uitm.edu.my

Mashitah Sulaiman
Lecturer
Centre of General Studies, Islamic Science University of Malaysia:
mashitah@usim.edu.my

Preservation of Islamic Manuscripts in the Philippine's Libraries: Issues and Prospects

Dr. Mariam Saidona Tagoranao

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Dr. Mariam Saidona Tagoranao

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ABSTRACT

Dr. Mariam Saidona Tagoranao
Faculty of Syariah and Law
Universiti Sains Islam Malaysia
mariam@usim.edu.my

H/P: 0166542526

Preservation of Islamic Manuscripts in the Philippine’s Libraries: Issues and Prospects

In order to find out what the prospects are for the collection and preservation of the Islamic manuscripts within a state, which is predominated by Catholic Christians, we need to assess the role of the National Library in the Philippines in committing itself for preserving these valuable cultural treasures. But before that, this paper will discuss the issues on why some of the important Islamic manuscripts in the country, such as, the Luwaran of Maguindanao and the Diwan Tausog which are the very important sources of the Muslim Filipino cultures are not available in the National Library. In the Constitution, it clearly provides that, “The state shall recognize, respect and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions and institutions.” However, we have not seen an expert under the direction of the National Library, who will identify the collections and preservation of Islamic manuscripts in the Philippines. With this, the Muslim Filipino cultural resources may not be safe after many years due to lack of preservation through proper conservation methods. To ensure that this problem will not happen, Muslim librarians in the country, with the support of the librarians in the Muslim World will commit themselves in preserving these manuscripts to ensure that they will be available in the rest of the world and also to make them safe for many centuries to come.
I. Introduction

A study of the Islamic manuscripts in the Philippines will be a reminder of the long history of Islam in the country, dubbed as the only Catholic nation in Asia. Some collections of Moro or Islamic and Sufi manuscripts written in Arab or Arabic Malay (Jawi) are mostly dated back to the 18th century. That is exactly a period of time of active Muslim penetration to this archipelago. It is necessary to note that long before the arrival of the Spaniards in the Philippines, “the Islamization process was already manifested in varying degrees in both extent and kind in the various parts of the country.”2 The origin of these Islamic and Sufi manuscripts was brought about by the Muslim traders and missionaries from Arabia, Borneo, Sumatra, and Malaya, who preached their religious beliefs among early Filipinos. With these beginning, pious men and preachers and even from among the settled Muslims spread Islam to the different islands. The beginning of Islamic writing tradition can be seen on the Sulu Geneology, by far the leading traditional account in Sulu that reported the missionaries who came to Sulu including all the events considered significant to the beginnings of Islam in the Philippines.3 The Moros had a developed culture that was basically Malayan in structure and form.4 By the end of the 15th century, they learned to write the Arabic and Malay books, particularly, the Islamic laws and religious books. In every tribe, especially, in Lanao, Maguindanao and Sulu, the Moros were able to make a translations of the Qur’an, Hadith, Islamic law books, some magic and other literature in their own respective dialect. In fact, their original writings in the Magindanao tongue consist of many genealogies and stories.5 The Muslims are composed of different tribes but their languages are members of the family of Bahasa Melayo or Malayan languages. Their cultures have similarities and differences but they came from similar sources which were compiled separately and independently. To cite an

1 Muslims in the Philippines
example of this is the main manuscripts that have been collected and become as the official Islamic codes of Magindanao and Sulu.

Circumstances are such that, Philippines has significant Muslim population that composed of different ethno-linguistic groups and they have kept a great deal of their Islamic cultures and customary laws. Preservation of these cultures have been recognized by the fundamental law of the state. However, the legitimacy of these provisions has not been fully enforced. The Philippine’s National Library, a government institution under the jurisdiction of the National Commission for Culture and the Arts (NCCA) is notable in collecting the Filipino literary and scholarly works within the Filipina’s Heritage or Filipiniana. Its role in preserving the culture of the Filipino people has not been done in the case of the Muslims.

The Islamic Manuscripts in the Philippines

Much has been written about Islam in the Philippines; but there has been none published so far creating a full interest on the development and preservation of the Islamic manuscripts. So, it seems reasonable to examine this field to understand the importance in collecting and preserving them, particularly, their historical values for Muslim minorities and also to appreciate the scholarly works of the Muslims before and after the independence of the Philippines. Some of those manuscripts are the sources of the written law books which are in effect been implemented and become part of the Philippine legal systems. Some of them are enumerated and briefly discussed as follows:

Luwaran of Magindanao

The Luwaran Code of Maguindanao has been considered as one of the primary sources of substantive jurisprudence on Islamic law found in the Philippines. The provision of this Code is based on the Islamic law and the customary laws of the Muslim Filipinos. The major source of the Luwaran Code was the Minhaj al-fi±lib¬n which was based on the Sh®fi‘¬ school of law.
A. The Genesis of the Luwaran

The term Luwaran which means "selection" or selected was compiled before the middle of eighteenth century by Mindanao judges. However, Najeeb M. Saleeby profoundly claimed that the Mindanao copies of the Luwaran give no dates at all, and nobody seems to know when this code was made. A copy owned by Datu Mastura was estimated to be written about 1886 which Najeeb Saleeby believed to be copied from an older manuscript. They believed that it was prepared and compiled by the judges who assisted the datu in the administration of justice in Magindanao. Those judges were not known because no one able to identify any of them. According to some historians in Mindanao particularly the Magindanaons, the origin of Luwaran can be attributed to the reign of the Sultan Faqih Maulan Hamzah Khayr ad-Din (d.1710-1178) who was himself a prominent jurist.

The Luwaran was compiled based on the framework of several Arabic legal treatises. The Arabic was used as a basis and the provisions were constructed in a concrete form including genuine examples and incidents usually happened in Mindanao. It seems that the whole legal provisions found in the Luwaran is principally guided and adopted from the Minhaj al-fiqh by the leading Shafi‘i jurist.

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7 N. Saleeby, Studies in Moro History, 68.
8 Dr. Najeeb Saleeby was a Christian Arab who was born in 1870 in Souk al-Gharb, a town very close to Beirut. He authored the "Studies in Moro History, Law and Religion" which was firmly published in Manila in 1905.
9 Najeeb M. Saleeby, Studies in Moro History, 68.
10 Datu Mastura claimed that he is the great-grandson of Datu Mastura Hijb bin Qudratullah who owned one of the oldest copies of Luwaran which was written about 1886.
11 Najeeb M. Saleeby, Studies in Moro History, 68.
Zakariyya Ya'qubi bin Sharaf al-Nawawi and its condensed form entitled Minhaj al-'Irifā'. The grammatical and syntactical details were guided by the Fatwa al-Qarib by Muhammad Ibn Qasim al-Ghazz, Mirath at-ullab, an abridgment of the classical Minhaj al-fiullab by Zakariyya al-Anbari who extracted it from the Tuqafah and Nihayah, standard manuals of Shafi'i school.

B. The Characteristics of Luwaran

The Luwaran Code has been considered as one of the most authoritative sources of Islamic law in Mindanao not only because of the good refutations of the few individuals who made the laws but it could also be due to the simple language used in every article. The Luwaran can be studied by anyone provided he speaks Magindanao dialect. It could be taken as a manual for the layman and those who know Islamic law and 'adah. It is undoubtedly considered as an authentic and complete manuscript. It was upheld by the people of Mindanao as sacred next to the Qur'an and hadith. Because of this, it was widely circulated in all areas speaking Magindanao dialect.

In other words, the authority of this Code is universally accepted.

It has been noted that in the process of making the laws, the Mindanao judges motivated by their respective rulers, had shown a considerable degree of flexibility in selecting the laws without compromising the local customs. In some circumstances, Muslim judges tried to modify or reinterpret the wording of the original sources so as to make it agree with the prevailing customs of their respective

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13 Ibid.
14 Ibid.
15 See Alizaman D. Gamon, The Analytical Study of the Islamic Legal History in the Philippine, P.2
place. Sometimes, they make new article which does not exist in Arabic but it conforms to the national customs and common practices.

The *Luwaran* is certainly the best specimen of Maguindanao literature; it is genuine, correct, and well written.\(^{17}\) The authorities found it to be very convenient and helpful in the administration of justice. A copies of this Code can be seen in all districts and used by all who are able to read it.

The *Luwaran* Code deals with a wide range of subject matter. It is comprehensive enough to cover subjects such as property, slaves, transaction, partnerships, debts, nature of oaths, testimony, homicide, marriage, divorce, adultery, gifts, inheritance, wills, fines, and punishments. But this Code does not deal on Islamic rituals, moralities and other aspects of Islamic law. Topics are not also arranged in any set order.

C. The Legal Significance of the *Luwaran*

The historical value of the *Luwaran* Code is immense because it demonstrates the universal aspect of Islamic law. It may be claimed that it had great practical significance and it formed the basis for any form of judicial proceedings. Its importance lies in the fact that the influence of Moros custom in the provisions of the *Luwaran* was less and the Islamic law was more generally adhered to. It is significant that many of the provisions can be easily distinguished having close affinities to Islamic practices, mainly Shafi‘i texts.\(^{18}\)

The enactments of the *Luwaran* imply that there were considerable number of Muslim intellectuals capable of translating Arabic legal treatises into their local dialects and thus implementing the

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\(^{17}\) N. M. Salleby, *Studies in Moro History*, 69.
\(^{18}\) Ibid.
laws side by side with the customary ‘@dah even when some of the latter were being replaced for being palpably against the spirit of Islam. The study of *Luwaran* will show that the Sh®fi‘¬ school of laws dominated its content. An easy explanation of this is the fact that this school is predominated in the surrounding Indonesian islands which already had an older history of Islam. It may also be pointed out that the maritime contacts between the Muslims in the Philippines and those in the neighboring islands were quite intimate.  

Any law which is a mixture of local ‘@dah and Shar‘ah is not a guarantee for its perfection and the *Luwaran* is not an exception. Although there are many articles in the *Luwaran* that conform to the Sh®fi‘¬ schools of law, however, there are also some components that are purely local in character with some of them appearing to moderate the harsh punishments provided in the standard texts. There are also some elements in the *Luwaran* which are not parallel with the classical texts. This can be easily noticed in the laws that pertain to fines. As to the implementation of the *Luwaran*, Saleeby observed that, in practice, not all laws of murder, adultery, and inheritance were strictly complied with. However, during that time, whatever in the *Luwaran* stood as an ideal law for being advocating the supremacy of the Shar‘ah and recognizing the importance of the local ‘@dah.

The laws that are embodied in the *Luwaran* are selection made by the Mindanao judges. It is a translated form of selected laws that serve as a guidance and information of the Mindanao datus, judges.

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20. Ibid., 382.
and pandita who do not understand Arabic.\textsuperscript{22} Pandita refers to the scholar who can read and write and performed the functions of a religious leader. The chief pandita is called as the "Datu Kali" because he is the most competent expounder of the law and the best-fitted person in the community to act as a Q\textsuperscript{k}\textsuperscript{a}d\textsuperscript{w} or judge.

**D. The Contents of the Luwaran Code**

The provisions of the *Luwaran* Code show some measure of uniformity in subject matters with other Islamic texts commonly adopted by the Muslims in Indonesia, Thailand, Burma and Malaysia. This, however, is not our present concern and all that will be attempted here is a brief summary of the contents of each provision.

Some of the provisions of the *Luwaran* are often described as containing rules of Moro '\textsuperscript{q}dah, which was given the force of law. The '\textsuperscript{q}dah of the Moros has been understood as a system of rules because in actual practice custom and law were applied without distinction. But the amount of weight is to be given to provisions containing the rules of Islamic law. An example of this, are rules relating to marriage, divorce and inheritance which are generally based on the Sh\textsuperscript{\text{afi}} School of law.

The substantive provisions of the *Luwaran* have been divided into articles and sections selected from Arabic books on law and religion. The articles were written separately from the Arabic marginal quotations and were numbered for convenience in references. There are about 100 Arabic marginal quotations used by Maguindanao judges as authority for the corresponding articles of the *Luwaran* they translated into their own dialect. Some of these quotations conformed

\textsuperscript{22} Ibid., 68.
to the order of the corresponding articles, while other quotations do not because of their ignorance of the real meaning of the Arabic text and the proper articles where they should be quoted. All articles including the Arabic marginal quotations were translated in English by Najeeb Salleby, a Christian Arab and an American citizen who became the Superintendent of Schools of the Moro Province in 1906.23

The Luwaran deals with the following matters: inheritance and wills; marriage and divorce; rules of evidence; obligations and contracts such as sales, agency and partnership; crimes and punishments; slavery and other traditional laws. It was clearly stated on the first page of the Luwaran that each of its articles has Arabic marginal quotation derived from the Minhaj and Fatwa al-Qaraj and Taqrab al-Intifah and Minfix at fiull and have been translated into the Maguindanao dialect.24

Diwan Tausog

The Diwan Tausog was codified in Sulu around 1740 by Sultan ‘Azim-ud-d-ın.25 Some sultans tried to codify the customary law intertwined with the Holy law in some areas without much distinction, but no evidence of these works seem to have been successful. Among Tausogs, the people of Sulu, there is the Diwan or the code, which provides the judgment procedures issued by the Sultan after consultation with influential headman and religious leaders. The Diwan is an idealization of customary laws and religious judgment procedures. It standardized the punishment for various offences and

23 Ibid., xiv.
24 Ibid., 70.
the amounts to be paid for blood. There are 2 kinds of Diwan Tausog: a) The Principal Sulu Code and b) the New Sulu Code.

**A. The Principal Sulu Code**

When Islam was accepted by the Sultan of Sulu, the teachings of Islam were easily accepted by the people. Their indigenous worldviews were gradually transformed and attuned in accordance with the prevailing teachings of the great scholars from Arab countries and Malaysian Archipelago. Imbued with the desire to implement the teachings of Islam, the Sultan of Sulu tried to form a new system of government guided by certain laws. In 1740, the learned Sultan ‘Az¬m-ad-d¬n tried to codify some selective aspects of the Islamic law. But no evidence of this work seems to have survived. The old Sulu Code was successfully codified by Sultan Muhammad "Pulalon" Fa¥l around 1850 which adhered closely to the classical texts particularly on crimes and punishments. However, the Principal Sulu Code prepared by his successor Jam®l al-'Al®m (reigned 1862-1881) gained wider acceptance because the punishments were relatively more moderate. In other words, it was accepted by the leading datus and officials as the provisions were based more on 'Hadîth laws than on Muslim laws. The same code was used by Sulfl®n H®r,n without modifying any of its provisions. The Code was written by Asmawil, the chief clerk and minister of Sultan Jam®l al-'Al®m. But the manuscript was secured from Shaikh MuÔflaf®, former minister to Sulfl®n H®r,n. This code only includes a short section on family laws.

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The Principal Sulu Code was a guide for the proper execution of the duties of office in accordance with the law and rules of the Sulu island and other areas within the jurisdiction of Sultan of Sulu. It was concurred in by all, and is promulgated with the general consent of all the datus, panglima and subordinate officers of the state. This code liberalized the penal provisions for abduction, theft, false claim, adultery, attempted murder and consummated murder. The provisions also deal with the rules governing civil liabilities such as marriage by abduction, elopement, compulsory marriage and other related cases. This code classified its provisions into several crimes as follows: Abduction, abduction of the child of a free man, theft, murder, property, offences relative to Marriage, attempted, unintentional and accidental killing of a freeman, offenses for marriage by abduction, elopement, compulsory marriage, and adultery against married woman and other related rules.

B. The New Sulu Code

The New Sulu Code was drafted in 1902 by H®jj¬ B’t, ‘Abdul B®q¬, the prime minister or adviser of the Sulfl®n Jam®l al-Kir®m II (1894-1936). It appears that this code was not for many political and social reasons, ever operative. It did not gain popular support and so much objected by the datus and chiefs that its general application seems impossible. The people strongly opposed its adoption because the codes provides for the increased of fines which was considered as another form of unjust taxation. This oppositon was beyond the power of sultan. It happened that at the time of its enactment, the power of

29  Ibid., 99.
30  Ibid., 104
the sultan was waning on account of the American occupation.\textsuperscript{31} The subject matter of this code is almost the same with the Principal Sulu Code.

\textbf{Tarsila or Geneological Account}

Tarsila or silsila in Arabic, literally, means chain or link. \textit{Tarsila} intends to deal with historical events and are devoid of prophecies.\textsuperscript{32} In the early part of it was an introduction of how Islam came to the Philippines and their relations to the Malaysian and the Arab worlds. One \textit{tarsila} asserted that a Sharif arrived in Buansa in 804 A.H (1401 C.E.) Clearly then, \textit{tarsilas} represent proofs \textit{par excellence} of legitimacy not only for a family or elite to rule a people but also for them to serve as religious leaders of the community.\textsuperscript{33} Among the \textit{tarsilas}, the “Geneology of Sulu” was the most publicized traditional account that traces the seventeen rulers or sultans of Sulu from first sultan who ascended the throne in 1808. It also shows the legitimacy of the rulers as they were the descent of \textit{sharief} and their connection to the royalty of neighbouring states, such as Sumatra, Java and Johore.

Another important \textit{tarsila} can be found in Magindanao, which is more specific than the Sulu Geneology. This account elaborates the arrival of Sharif Kabungsuwan, the son of Sharif Ali Zein ul-Abidin, an Arab hailing from Mecca (\textit{Hadramaut}) who settled in Johore and married the daughter (sister in other \textit{tarsila}) of Sultan Iskandar Julkarnain.\textsuperscript{34} The Magindanao account, in its supplementary sections, clearly emphasized that Sharif Zein ul-Abidin was the descendant of the Prophet Muhammad (s.a.w). In this light, the rulers and sultans of

\begin{itemize}
\item \textsuperscript{31} C. A. Majul, \textit{Nature of Islamic Law}, 381.
\item \textsuperscript{32} Majul, Muslims in the Philippines, p. 6
\item \textsuperscript{33} Ibid. p. 3
\item \textsuperscript{34} Ibid., p.25
\end{itemize}
Magindanao claimed themselves as descendants of Sharif Kabungsuwan.

**Khutbahs**

*Khutbah* refers to the sermon or oration delivered during the Friday congregational prayer and during two great festival of *Eid ul Fitr* and *Eid ul Adha*. These were written in Arabic and delivered by the most learned religious men in the Muslim community. The subject matter of *Khutbahs* are accommodated to religious needs and changing social situations; however, some khutbahs in the Philippines, on account of their eloquent and timely character are repeated. Some of these *khutbahs* were preserved to date, and often repeated, although, the date in writing the earliest part of it was not known. Some khutbahs mentioned the name of a sultan in the early eighteenth century and he was included in the prayer as if he was the reigning ruler at the time it was written. Aside from the *tarsilas*, Khutbahs had been adhered for the list of sultans that ruled Sulu. One of the Sulu khutba was written as an oration for the feast of Ramadan.

**Kitab**

*Kitab* refers to the booklet or notes and the data appeared to be based on the *Khutba*. One of the latest *kitab* was written by Haji Buto in 1904. It contents the history of Sulu sultanate and its value is the important date about events in the last century written from the Sulu point of view. This book was based on what he learned from the manuscripts and archival materials of the Sulu royal family. With this, it becomes the sources of other succeeding kitabs. 

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35 Ibid., 10  
36 Ibid. 11.
Role of Public and Private Libraries

The National Library should be the first government institution to initiate a project aimed at repairing and preserving the Islamic manuscripts in the Philippines. The Muslim minorities are Filipinos and they have significant number compared to other minorities. In fact, Islam has been considered as the second largest religion in the country. It shows that the largest non-Christian minority are the Muslims in the South. The Constitution clearly recognizes the Muslims’ right to culture which provides that: “The state shall recognize, respect and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions and institutions.” This is in accordance with Article 27 of the International Covenant on Civil and Political Rights (ICCPR) 1966 which provides for the minority to enjoy their own culture, to profess and practice their own religion or to use their own language.

It is the obligation of the National library to promote and collect the surviving original manuscripts and also to be included in the library catalogues. The Islamic manuscripts should be a part of those writing tradition keep in the Filipiniana Section in every public library. They should be considered as the basis for scholarly research and not as part of Muslim theology. The problem is only the University of the Philippine’s Library, which able to collect a few books and manuscripts on Islam written by some scholars in the country. The problem is, any collection related to Islam have often been dispersed as they believed that Islam is just a religion. Thus, it is the state policy that state and religion should be separated.
Libraries must create a kind of consciousness or awareness that Islamic manuscripts are part of the Muslim culture. It is important to emphasize their relevance and historical values to the people, so well put in the phrase, “Preserve or Perish. How, you may ask, can traditional writings and manuscripts can be significant in the development and preservation of the nations’ culture and heritage. If the Islamic manuscripts can be collected and preserve them through proper conservation methods, in the coming days, not only the Muslim but also the Christian majority will be able to make use of these cultural resources.

Problems in the collection and preservation of Islamic Manuscripts

The significance of having the Islamic manuscripts shows the surviving of some original classical in the Philippines which can be considered as part of the Malayan legal digests and the Indonesian digest complex. It also points out the early relations of the Philippines to the Muslims in its neighbouring countries. Failure to investigate and collect these manuscripts will be a great loss to the continuous and meaningful narrative history, not only for the Muslim Filipinos but also the Christian majority of Luzon and Visayas. It is a fact that these manuscripts serve as the records and clear proof of the existence of a civilization which had an Arabian and Malay textures before the coming of the Spaniards and the Americans. Some of these texts as they stand, are the stronghold of Shari’ah and its earliest existence in a Christian country, like Philippines.

It is an established fact that Islamic manuscripts as well as Muslim arts have not enjoyed the same level of attention as other
Filipino manuscripts or cultural arts. It shows that collections and preservation of important objects and manuscripts related to Islam have been neglected. Yet, through other non-Muslim countries, the libraries show that much and worthy attention in collecting and preserving the Islamic arts and manuscripts. Among them is the Princeton University Library, with the largest collection of Islamic manuscripts in North America and one of the finest such collections in the Western world. Another example is the British Library, by creating a project aimed at repairing and preserving the library's large collection of Arabic Islamic manuscripts. They made the preservation when their experts realized the significance and historical value of the Islamic manuscripts and other Islamic book arts. In fact, they were able to obtain a collection of old Qur'ans with one being written in beautiful script with Persian translation.

Therefore, public libraries in the Philippines have to make the first step to ensure that Muslim’s written Islamic treasures are identified and preserved for posterity, which can demonstrate the government commitment in helping the cultural minorities of all religious faiths preserve their cultural heritage.

**Conclusion**

In conclusion, it is necessary to point out that the Islamic manuscripts and the Muslim arts and miniatures are very important in preserving the Muslim culture in a non-Islamic country, like Philippines. Public and private libraries have a role to play to investigate, collect and preserve them. These manuscripts provide the only indigenous examples of Islamic and customary written laws supposed as the early evidence of the existence of Islamic legal institutions in the Philippines. A great deal of these texts,
particularly the provisions of the *Luwaran* Code can be immediately recognized as part of the Islamic law. The old age of these manuscripts, especially, the *Luwaran of Magindanao*, shows the early literacy of the Muslim Filipinos on Arabic books on law and religion. It justifies the observation of N. Saleeby that, "The Moros are not savage, though they seem so at first sight." With this, it is enough to point out that they are very important part in tracing the history of Islamic law in the Philippines.

The library should made an attempt to preserve the historical wealth of the Muslims as part of the nation’s culture as a positive effort to show the government sincerity to the minorities as clearly provided in the Constitution. Both public and private libraries, especially, in the Muslim Autonomous regions must initiate a seminar or workshop, so that they can invite those people who keep some of the important Islamic manuscripts. The workshop or seminar will discuss the importance of collecting, preserving and cataloguing the Islamic manuscripts. With this, we can save and preserved them through digital technology. Failure to bind the manuscript according to its original structure and design can possibly lost the historical information and the structure of the book itself.

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37 Ibid., 67.
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