



Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
OFFICE OF THE CHIEF MINISTER

Bangsamoro Government Center, Governor Gutierrez Avenue, Rosary Heights VII, Cotabato City 9600

EXECUTIVE ORDER NO. 0006 *Series of 2025*

**ORGANIZING THE BANGSAMORO SHARI'AH PUBLIC ASSISTANCE OFFICE,
INSTITUTING THE PROGRAM FOR PROVISION OF LEGAL ASSISTANCE TO
BANGSAMORO INDIGENT LITIGANTS BEFORE THE SHARI'AH COURTS, AND
FOR OTHER PURPOSES**

WHEREAS, Article III, Section 11 of the 1987 Constitution guarantees free access to the courts and quasi-judicial bodies and adequate legal assistance to all, particularly the underprivileged, ensuring that indigent litigants are not denied justice by reason of poverty;

WHEREAS, Article X, Section 16 of Republic Act No. 11054 or the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao empowers the Bangsamoro Parliament to create new offices in support of the Shari'ah justice system including, among others, a Shari'ah public assistance office;

WHEREAS, in Book III, Title V (B), Sections 13 and 14 of Bangsamoro Autonomy Act No. 13 or the Bangsamoro Administrative Code, the Parliament has ordained the creation of the Shari'ah Public Assistance Office;

WHEREAS, Bangsamoro Autonomy Act No. 65 or the 2025 General Appropriations Act of the Bangsamoro for Fiscal Year 2025 (GAAB FY 2025) has included, as part of the programs under the Office of the Chief Minister, a program for the provision of legal assistance to Bangsamoro indigent litigants before the Shari'ah courts;

WHEREAS, the provision of free legal aid and assistance to indigent litigants in the Shari'ah courts is a necessary intervention for promoting the rule of law and ensuring equal access to justice for all Bangsamoro peoples and communities, regardless of means or background;

WHEREAS, Article VII, Sections 32 and 38 of Republic Act No. 11054 or the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao, in relation to Book IV, Chapter 4, Section 68 of the Bangsamoro Administrative Code and Section 68 of Bangsamoro Autonomy Act No. 65 or the 2025 General Appropriations Act of the Bangsamoro, empowers the Chief Minister to issue executive orders and other policies of the Bangsamoro Government and grants the authority to create offices, organize the bureaucracy, and establish other offices and institutions necessary for the exercise of its functions and delivery of social services in the Bangsamoro Autonomous Region.

NOW, THEREFORE, I, ABDULRAOF A. MACACUA, Chief Minister of the Bangsamoro Autonomous Region in Muslim Mindanao, by virtue of the power vested in me by law, do hereby order:

SECTION 1. The Shari'ah Public Assistance Office. – The Shari'ah Public Assistance Office (SPA0) of the Bangsamoro, as provided under Book III, Title V (B), Sections 13 and 14 of Bangsamoro Autonomy Act No. 13 or the Bangsamoro Administrative Code is hereby activated and organized.

SECTION 2. Mandate. – It is the policy of the BARMM to uphold the values and principles of justice, fairness, and equity consistent with its adherence to the tenets of moral governance. To this end, it shall ensure that poor or indigent constituents of the Bangsamoro enjoy full and equal access to justice through the SPA0.

The SPA0 shall be the principal office of the Bangsamoro Government in fulfilling this mandate by rendering, free of charge, competent legal representation, assistance, and counselling to indigent litigants and parties in the Shari'ah courts.

SECTION 3. Composition; Organizational Structure. – The SPA0 shall be headed by a director to be known as the Bangsamoro Chief Public Shari'ah Counselor; to be assisted by two (2) deputies to be known as Deputy Chief Public Shari'ah Counselors. The Chief Public Shari'ah Counselor and Deputy Chief Public Shari'ah Counselors shall be members in good standing of the Philippine *Shari'ah* Bar.

The SPA0 shall be established and have presence in each of the Shari'ah judicial districts within the Bangsamoro Autonomous Region, to provide free legal assistance to poor or indigent party litigants in the various circuit and district level Shari'ah courts: *Provided, That*, where necessary, the SPA0 shall also extend legal services for indigent litigants before the Shari'ah High Court.

For this purpose, there shall be established four (4) district offices of the SPA0 to be headed by a district public Shari'ah counselor corresponding to the second, third, fourth, and fifth Shari'ah Districts constituted in Article 138 of Presidential Decree No. 1083 or the Code of Muslim Personal Laws, to cover and serve the qualified parties and litigants before the circuit and district level Shari'ah courts in the provinces of Tawi-Tawi, Basilan including the City of Lamitan, Lanao del Sur including the City of Marawi, Maguindanao del Sur, Maguindanao del Norte, City of Cotabato, and the municipalities of the Special Geographic Area (SGA).

Nothing in this Order shall be interpreted to preclude the SPA0 from serving qualified Bangsamoro litigants in the First Shari'ah District in the Province of Sulu or those covered under other Shari'ah judicial districts, provinces, or areas outside of the territorial jurisdiction of the Bangsamoro Autonomous Region, upon the discretion and approval of the Bangsamoro Chief Public Shari'ah Counselor.

Section 4. Functions. – The Shari'ah Public Assistance Office shall have the following functions:

- a. Provide free legal assistance to indigent party litigants with cases before the Shari'ah Courts;
- b. Prepare and file petitions, complaints, and/or responsive pleadings, and represent indigent defendants in ordinary civil actions before the Shari'ah Courts;
- c. Prepare and file responsive pleadings and represent indigent defendants/respondents in ordinary civil actions, special civil actions, and special proceedings before the Shari'ah Courts;
- d. Prepare affidavits and represent indigents in any stage of criminal proceedings before the Shari'ah Courts; and
- e. Perform such other functions as may be assigned by higher authorities.

SECTION 5. Administrative Personnel and Staffing Pattern. – The SPA0 shall be supported by immediate and support staff and other operational and administrative units,

divisions, or line services and personnel. For this purpose, the SPAO shall formulate its organizational structure and staffing pattern, subject to the approval of the Ministry of Finance, and Budget and Management (MFBM) and consistent with this Order, and with pertinent laws, rules and regulations.

SECTION 6. Vacancy in Office. – In case of death, permanent incapacity, removal or resignation of the incumbent Chief Public Shari’ah Counselor and Deputy Chief Public Shari’ah Counselors or any permanent vacancy thereof, the Chief Minister shall appoint a new Chief Public Shari’ah Counselor or Deputy Chief Public Shari’ah Counselor, or shall designate one, as the case may be, in an acting capacity until a new one shall have been appointed: *Provided*, that where there is an incumbent qualified Deputy Chief Public Shari’ah Counselor, he or she shall have preference in such designation.

In case of temporary absence of the Chief Public Shari’ah Counselor, the latter may designate an Officer-In-Charge as caretaker of the Office.

SECTION 7. Program for Provision of Legal Assistance to Bangsamoro Indigent Litigants before the Shari'ah Courts. – The SPAO shall oversee, coordinate, and implement the program for the provision of free legal aid and assistance to indigent litigants in the Shari’ah courts, and perform such other functions as provided in this Order.

The SPAO shall provide legal services, free of charge, to indigent persons in all matters or cases before the various Shari’ah courts, where, after due evaluation, it is determined that the interest of justice will be served thereby.

Upon due evaluation and approval of the Chief Public Shari’ah Counselor, the SPAO shall extend free legal services to any applicant who is indigent and whose case in the Shari’ah court is deemed meritorious at any stage of the proceedings, including cases already on appeal to the Shari’ah district courts and the Shari’ah High Court, and those representing the causes of plaintiffs or petitioners in ordinary civil actions, special civil actions, special proceedings before the Shari’ah Courts.

SECTION 8. Indigency Test. – The following shall be considered indigent persons for the purposes of this Order:

- (a) Those residing in the Bangsamoro region whose family income per month does not exceed the average minimum wage rate;
- (b) Those without real property exceeding Three Hundred Thousand Pesos (P300,000.00).

For this purpose, ownership of land or other property does not constitute a ground for the disqualification of an applicant from availing of free legal services.

The SPAO shall regularly consult with the Ministry of Social Services and Development (MSSD) and the Ministry of Labor and Employment (MOLE) regarding the thresholds of the amounts for the indigency test provided herein and shall make the proper adjustments whenever warranted.

SECTION 9. Proof of Indigency. – In order to ensure that only qualified applicants shall be provided free legal services, an applicant shall be required to submit any of the following:

- (a) Latest Income Tax Return, pay slip, or other similar proof of net income;
- (b) Certificate of Indigency from the MSSD; or
- (c) Certificate of Indigency from the Barangay having jurisdiction over the residence of the applicant.

SECTION 10. Merit Test. – A case shall be considered meritorious if an evaluation of the law and evidence on hand discloses that the legal services of the office will assist, or be

in aid of, or in furtherance of justice, good morals, good customs, public policy, public safety, public order, and public interest, taking into consideration the interests of the party and those of the community. In such cases, the SPAO shall represent the party concerned.

A case shall be deemed unmeritorious if it appears, from an evaluation of the law and evidence on hand, that it has no chance of success, or is intended merely to harass or injure the opposite party, or to cause oppression or wrong. In which case, the SPAO must decline to accept said case.

SECTION 11. Priority Attention. – The SPAO shall, as much as practicable, give priority attention to prospective clients who meet the above-mentioned requirements belonging to or coming from the following sectors:

- (a) Women;
- (b) Children and Minors;
- (c) Senior Citizens;
- (d) Persons With Disabilities;
- (e) Persons Deprived of Liberty;
- (f) Internally Displaced Persons; and
- (g) Such others as may be provided by law.

SECTION 12. Immediate Legal Service. – In the exigency of the service, the SPAO may be called upon by proper government authorities of the Bangsamoro Government to render such service to other persons, subject to existing laws, rules and regulations.

SECTION 13. Independence of the SPAO; Coordination with the Bangsamoro Attorney General's Office and other BMOAs. – To ensure policy coherence, legal consistency, and effective delivery of justice services, the SPAO shall coordinate with the Bangsamoro Attorney General's Office (BAGO) and other Bangsamoro Ministries, Offices, or Agencies (BMOAs) on matters of policy, program implementation, and legal strategy affecting the Bangsamoro Government.

Nothing in this Section shall be construed to impair the independence of the SPAO in representing indigent litigants before the Shari'ah courts, nor to limit its authority to act in accordance with its mandate under this Order and the applicable laws.

SECTION 14. Coordination with National Government Agencies, Other Institutions, and the Judiciary. – The SPAO shall likewise establish cooperative mechanisms with the national government agencies, such as the Judiciary, and the Public Attorney's Office, other institutions providing essential legal aid and assistance such as Integrated Bar of the Philippines (IBP) and other legal and academic institutions for purposes of referral of cases, joint training programs, continuing legal education, community outreach, and promotion of access to justice.

SECTION 15. Exemption from Fees and Costs of the Suit. – The clients of the SPAO shall be exempt from payment of docket, court fees and other fees incidental to instituting an action in Shari'ah courts, as an original proceeding or on appeal.

Where payment of fees is required, including docket and filing fees to be paid with the courts, the SPAO shall develop an interim program that shall address the same until such a time that full exemption from the courts is fixed, subject to the relevant budgeting, accounting, and auditing laws, rules and regulations.

SECTION 16. SPAO Manual of Operations. – Within 60 days after the effectivity of this Order, the Chief Public Shari'ah Counselor shall, in coordination with the proper agencies and stakeholders, formulate and promulgate the SPAO Manual of Operations.

SECTION 17. Funding. – The initial funding for the implementation of this Order, shall be Nine Million, Six Hundred Twenty-One Thousand Seven Hundred Seventy-One Pesos (P9,621,771.00) to be sourced from the provision of the Office of the Chief Minister’s program, “*Provision of Legal Assistance to Bangsamoro Indigent Litigants Before the Shari’ah Courts*”, as provided in the Bangsamoro Autonomy Act No. 65 or the GAAB FY 2025: *Provided*, That additional funding requirements may also be sourced from the Contingent Fund, subject to the relevant budgeting, accounting, and auditing laws, rules and regulations.

Appropriations for the succeeding years shall be incorporated in the budget proposal of the SPAO for regular funding.

SECTION 18. Repeal. – All other rules, regulations and issuances, or parts thereof, which are inconsistent with this Order are hereby repealed or modified accordingly.

SECTION 19. Separability. – Should any provision of this Order be declared invalid or unconstitutional, the other provisions unaffected thereby shall remain valid and subsisting.

SECTION 20. Effectivity. – This Order shall take effect upon publication in a newspaper of regional circulation.

DONE in the City of Cotabato, this 15th day of December 2025.



ABDULRAOF A. MACACUA
Chief Minister

