

# Intellectual Discourse

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Volume 26

Special Issue

2018



**International Islamic University Malaysia**  
<http://journals.iium.edu.my/intdiscourse/index.php/islam>



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# The Role of *Waqf* Properties in the Development of the Islāmic Institutions in the Philippines: Issues and Challenges

**Alizaman D. Gamon\* and Mariam Saidona Tagoranao\*\***

**Abstract:** The Waqf system continues to be the most successful way by which endowments or revenues accruing from assets can be donated by benefactors, expressly for the welfare of the Muslim Ummah. It is a highly revered act when waqf funds are used in building mosques, madrasahs, orphanages, colleges and universities as well as for providing free medical services for needy Muslims. Waqf can also offer Islāmic financial facilities to the deserving. Waqf is considered as an indispensable institution for the socio-economic upliftment of the Bangsamoro people. This research discusses the role of waqf properties in the development of the Islāmic institutions in the Philippines. It also analyses and evaluates the issues and challenges faced by the Muslim minorities in the management and development of waqf properties in a country dominated by Catholic Christians. For sustainable development of waqf properties, this research recommends the establishment of a credible model in management and financing of waqf, which will, in turn, provide a strong support for the establishment of health clinics, Islāmic religious centers and educational institutions. This paper concludes that unity among the scholars ('Ulamā') and Muslim non-governmental organizations through implementation of a uniform waqf management system can strengthen the role of waqf properties in developing Islāmic institutions in the Philippines.

**Keywords:** Waqf properties, Religious and educational institutions, Bangsamoro, Development, social wellbeing

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\*Assistant Professor, Department of Fundamental and Inter Disciplinary Studies, Kulliyah of Islāmic Revealed Knowledge and Human Sciences, International Islāmic University Malaysia. Email: alizamandg@yahoo.com

\*\*Senior Lectuer, Faculty of Syariah and Law, Universiti Sains Islām Malaysia. Email: mariam@usim.edu.my

**Abstrak:** Sistem waqf secara berterusan membuktikan bahawa ia merupakan sistem yang Berjaya, dimana pulangan pendapatan atau sumbangan asset waqf yang didermakan digunakan untuk membiayai kebajikan umat Islām. Sumbangan ini amat dihargai apabila dana waqf digunakan untuk membina masjid, madrasah, rumah anak-anak yatim, kolej dan universiti. Selain itu, dana ini juga digunakan untuk memberi perkhidmatan kesihatan yang percuma kepada orang Islām yang memerlukan. Waqf dianggap sebagai institusi yang amat diperlukan kerana ia boleh memberi fasiliti kewangan Islām kepada pembangunan sosio-ekonomi Bangsamoro. Kajian ini akan membincangkan peranan harta-harta waqf didalam pembangunan institusi Islām di Filipina. Disamping itu, kajian ini juga akan menganalisis isu-isu dan cabaran yang dihadapi oleh minoriti Muslim dalam pengurusan dan pembangunan hartanah waqf di negara yang didominasi penduduk Kristian Katolik. Bagi pembangunan mampan, kajian ini mencadangkan penubuhan model berasaskan waqf yang berkaliber dalam aspek pengurusan kewangan. Model ini akan berperanan dalam memberi sokongan kepada penubuhan klinik kesihatan, pusat-pusat dan institusi pendidikan berteraskan Islām. Dapat disimpulkan disini bahawa terdapat persefahaman oleh para ulama dan organisasi bukan kerajaan Muslim melalui pelaksanaan pengurusan waqf yang seragam. Ini juga akan megukuhkan peranan harta-harta waqf dalam pembangunan institusi Islām di Filipina.

**Kata Kunci:** Hartanah waqaf, Institusi pendidikan dan pusat-pusat agama, Bangsamoro, Pembangunan, Kesejahteraan social.

## Introduction

*Waqf* in Islām is a form of charity that retains the corpus and gives away its usufruct for charitable purposes. Charity (*tabarru'at*), in a general sense, such as paying *Zakat* and giving *ṣadaqah* was already an integral part of Islām. What was common in these charitable acts was that the corpus itself (*'aīn*) was given to the recipients who could reap benefit from it in whatever way they desired. On the other hand, *waqf*, because of its special feature to hold back the corpus and only hand out its yield to the recipients, was an introduction of a new type of charity. This special feature of *waqf* is supported by the *ḥadīth*, which is also the basis of its legality. Ibn 'Umar reported that:

“His father 'Umar Ibn al-Khattab got some land in Khaybar and he went to the Prophet (S.A.W) to consult about it, saying, “O Allah's Messenger I got some land in Khaybar

better than which I never had, what do you command me to do with it?" The Prophet said, "If you like you can hold back the land and give its usufruct in charity." 'Umar abiding by this suggestion gave the land in charity with the condition that the land would not be sold, nor given as gift, and neither would it be inherited. And its yield would be given to the poor, to the kith and kin, for the purpose of freeing slaves, in the cause of Allah, and given to the wayfarers and guests. He added that there would be no harm if the guardian of the land ate from the yield righteously and fed others without making himself wealthy" (Sahih al-Bukhari).

The unique feature of *waqf* can be understood by the suggestion Prophet Muhammad (S.A.W) made to 'Umar. The recommendation clearly shows that this was a new type of charity the Prophet introduced for the *ummah*. The pagans had never heard of *waqf*. In other forms of charity, the rich donates for a group of needy people. The needy enjoy the donation until the given amount is exhausted. After its exhaustion, the recipient-needy-group and the future needy group are left with nothing to fulfill their needs. To overcome this predicament, the Prophet (S.A.W) introduced a new type of charity in which the corpus will remain intact while the usufruct will be spent on the needy. A charity with these features definitely holds more benefit (*maṣlahah*) for the people compared to other forms of charity. Also, on the basis of this *ḥadīth*, a majority of the jurists legalize *waqf*. They derive from it the principle that the possession (*milk*) of the asset given in *waqf* transfers to Almighty Allāh. And because of this principle they illegalize selling and gifting of the *waqf*-property (Palan Puri).

*Waqf* with the unique feature of maintaining the corpus and only giving away the generated benefits is a unique philanthropic institution incomparable to other man-made institution. Its design realizes the higher objective of Sharī'ah i.e. to provide mutual help (*muwasat*) to members of the community. It generates social solidarity, friendship (*mawaddah*), and brotherhood (*ukhuwwah*) amongst the people. Without these, social well-being cannot become a reality. It is the Prophetic teaching that members of the community have to live in unity and harmony. Prophet Muhammad (S.A.W) is reported to have said: "the likeness of the believers in their mutual love, mercy and compassion is that of a human body; when one part of it is in pain, the rest of the body joins it in restlessness and fever" (*Sahih Muslim bi Sharh al-*

*Nawawi*). The restlessness and fever can take various forms. One of the worst forms is economical and financial crises experienced by the members of the community today. In these crises, community members are supposed to stand up to assist each other. This is where the *waqf* institution plays a vital role. Irrespective of whether the community is rich or poor, *waqf* can fulfill those needs which an individual might not be able to by himself. For instance, *waqf*-owned hospitals that offer free or discounted medical services and *waqf* schools that offer free education. It might take an individual a life time to build such facilities with his own resources, whereas *waqf* institution can pool in the capital in a short time for community projects similar to those mentioned above.

In the Philippines, *Waqf* has become an instrument for upgrading the legal, social and economic status of Islāmic institutions (Gamon and Tagoranao, 2017). It is offered in the form of lands, mosques, religious schools (*madaris*), Muslim cemeteries, water-system, schools, dormitories and other charitable arrangements. *Waqf* in these multi-dimensional forms offers religious, social, economic benefits to the Muslim minority that might not be offered by the Christian government to the Muslim minority. In the past, it was the only source of finance for both *madrasah* teachers and scholars by providing them a secure means of livelihood, and gave them the freedom to engage in research and produce considerable scholarly output that contributed to the development of the Muslim cultural and scientific activities in the Philippines (Gamon, 2001).

On examination of the existing literature on Islāmic financial institutions in the Philippines relating to *waqf*, *zakāh* and *ṣadaqah*, it becomes clear that history of *waqf* is a relatively new discourse to many Filipino historians despite its popularity in other parts of South-East Asia (Gamon and Tagoranao, 2018). The history of *waqf* and its development within the context of a secular state has always been an appealing subject to many researchers. In addition, the established networks of Muslim scholars and their collaborative efforts were instrumental in the reform of *waqf* institutions. The gradual modification of *waqf* laws and practices in the Philippines has, no doubt, been inspired by neighboring Muslim communities in the Malay-Indonesian world and the rest of the Muslim Ummah. The Muslims in the Philippines were made to understand the concept of *waqf* based on the Shafi'i doctrine. *Waqf* laws and practices were modified by the *ulama'* who studied in the Middle

East, particularly in Saudi Arabia, Kuwait, and Egypt in order to meet the demands of local *‘ādat* and practices (Majul).

Many Muslims in the Philippines dedicate their properties to religious purposes by donating buildings and lands to set up *masjid*, *madrasah*, and other religious infrastructure. *Waqf*, or religious endowment, became part of Muslim customs and traditions that have been handed down from generation to generation. Another type of *waqf* involved building shades, water system, and lodging houses for visitors, especially travelers (Gamon and Tagoranao, 2018, Abubakar).

Looked at it in different historical epochs, Muslims in the Philippines show up as having been resolute in preserving and maintaining *waqf* properties. Despite the ever-challenging impact of secular-oriented legal systems that affected the development of *waqf* institutions, the *waqf* and other Islāmic financial institutions in the country, nevertheless, fulfilled their religious and economic purposes to a certain extent (Gamon and Tagoranao, 2018).

### **The Waqf and the Bangsamoro**

*Bangsamoro*, the Muslim minorities in the Philippines, are composed of different ethno-linguistic groups (Zaide). They have had a long history in asserting rights for recognition of their Islāmic culture and beliefs. All minorities have their own way in demanding their rights, but Muslim Filipinos belong to those who have sacrificed thousands of people and at the cost of millions in terms of Muslim properties lost before they were heard. (Muslim, Noble, and Majul).

Reflective of the Philippine government’s concern in addressing religious and cultural diversity, both policy makers and scholars in the field of public administration, have shown flaws in their ideas, views and assumptions towards Islāmic institutions (Gamon and Tagoranao, 2018). The state’s predisposition towards assimilationist or ‘monoculturalist’ approach can be seen in the various policies that are affecting Muslim minorities in the Philippines. The task of reinforcing *waqf* institutions in a secular state, particularly in the midst of capitalist globalization, has led to gloomy historical debates between Muslim and non-Muslim

intellectuals and policy makers. It is unfortunate, however, that due to the State's strict adherence to the principle of separation of church and state, it failed to accommodate the dynamics of waqf and, thus, insisted on the unconstitutionality of waqf laws and practices within the Philippine secular legal system (Gamon and Tagoranao, 2018, Mastura, Majul, Muslim).

From the inception of Islāmic revivalist movements in the Philippines in the 1970's, historians have generally focused on descriptive aspects that led to the growth of various Muslim organizations, whose aspirations were directed towards a common goal i.e., Muslim autonomy as well as the development of Islāmic culture and traditions. So strong was this demand, that Muslims in Philippines had earned the sympathy of Muslim governments; particularly of Malaysia, Indonesia and the Middle East countries (Majul, Muslim, Noble). Knowing the challenges and sacrifices that the Bangsamoro had gone through for the past few decades, philanthropists from different parts of the Muslim world have provided cash waqf for rebuilding mosques and madrasah, which were destroyed during the war between Muslim fighters and soldiers of the government.

History tells us that even before the colonial era, the survival of the Islāmic institutions in the Philippines, especially *masājīd* and *madāris*, were because of the efforts made by the '*Ulamā*' and traditional political leaders who made these a part of *waqf* in their respective communities. They were governed by their own customs and traditions modified by Islāmic culture and influences (Majul, Abubakar, Gamon and Tagoranao, 2018). Their Islāmic commitment can be seen in the building of shades, water systems, and lodging houses for visitors, especially travelers, as part of their charity. In fact, *masjid* became an important center for the *Bangsamoro* socio-political activities.

After the independence of Philippines, Muslim waqf lands were not effectively developed by the *Bangsamoro*. Many waqf lands were given to the Christian settlers through the government's legal machinations. The migration of more than 200,000 Christians to the Cotabato region in the past forty years, reduced what was once a Muslim majority region

to a place where the Muslims now constitute just 30 percent of the population (Majul).

### Understanding the Waqf System

Thousands of *masjids* and *madrasahs* have been built throughout the country by the sweat and struggle of individual Muslim Filipinos and through cash *waqf* from other Muslim countries and organizations (Gamon). *Waqf* played the role of an important institution in assisting the socio-economic development of the Muslims, particularly after Philippine's independence. However, the reality is that some Muslims are involved in *the waqf* system either as a benefactor or as beneficiary of the *awqāf* properties without understanding the real meaning of "*waqf*" and its characteristics. Some of them offer in charity either movable or immovable properties out of their religious conscience and their belief that to perform this act of devotion is to seek perpetual benefit in this world and the hereafter. They can barely differentiate between *waqf*, *ṣadaqah*, and *zakāh*. But, why is there such a lack of understanding and awareness? Some people blame the disunity among religious organizations as well as the religious scholars' failure to explain the *waqf* system properly to their Muslim followers (Gamon and Tagoranao, 2017).

A majority of the Muslim Filipinos do not understand the *waqf* principles and its important role in the development of religious and educational institutions. Some of them are not aware that *waqf* properties belong to Allāh (s.w.t), and they have three unique characteristics, namely (Makdisi):

a) Irrevocability

It means the lack of power of the donor to revoke his donation at any time; the declaration by the donor is binding and without any need for delivery of possession to the beneficiary. The property is transferred from the ownership of the donor to the 'ownership' of Allāh. The declaration of *waqf* is intended to take effect immediately and cannot be revoked.

b) In perpetuity (*ta'bid*)

Once the declaration of *waqf* is made by the donor, it becomes legally binding *and* it exists forever or until the Day of Judgement. It cannot be limited by time and, thus, it is not temporary in nature.

c) Inalienability

*Waqf* properties cannot be alienated or transferred either by the *waqif* or the *mutawalli* nor can the heirs take it by way of inheritance. It cannot be mortgaged or pledged as security for a loan.

Islām clearly decrees that a property can only be declared as *waqf* if it is acquired from lawful sources and it is administered in accordance with the *Shariah* (Makdisi). The beneficiary of *waqf* is not limited to the Muslim community, but rather includes the entire humanity, including the rich people. Most of the *waqf* properties under the management of the Muslim Filipinos are *waqf al khayrī* (welfare *waqf*) to cater to the needs of the orphan, poor and others who need help. The *waqf* lands and revenues were used for building *masjid* and *madāris*. Some *waqf* properties are governed by *waqf al-ahlī* (family *waqf*), which is endowed exclusively for the benefit of the founder, the members of his family, the descendants and, later, revolves for broader welfare purposes (Gamon).

### **Status of *Waqf* under the Philippine Laws**

Before Philippines became a Republic, the American administration did not partake in the administration and development of the mosques, *madāris* and other Islāmic institutions due to the American constitutional tradition of separation of church and state (Majul). Despite the benign policy of freedom of religion, there was not a single legislative enactment which provided for the setting up of a government instrumentality specifically designed to administer the *waqf* properties in accordance with Islāmic law, as modified by Muslim customs prevailing in the Philippines. Therefore, the administration and maintenance of the *masjid* and *madāris* rested on the shoulders of the Muslim community and its success became dependent upon the commitment of individuals. But the American occupation had a negative impact on the Moro *waqf* lands. The colonial administration set up the Moro land reservations through the proclamation of the American Governor-General in the Philippines. These reservations were made on traditional ancestral domain of the Muslims (Majul).

The new Constitution of Philippine provides equal protection for all the citizens including freedom of religion for all; but, Islāmic institutions like *waqf* and *zakāh* are not recognized as part of the responsibilities of the state. There was no law regulating the control, management or development of *awqāf* properties as in the neighboring states. The

government failed to understand that Islām is not only a religion for Muslims but also the foundation of a Muslims' culture (Ariff). However, there was a transformation after the Code of Muslim Personal Laws in the Philippines (Muslim Code) had been enacted as part of the law of the land while the Sharī'ah courts and the office of Mufti have been recognized as part of the national legal system.

Looking at the contents of the Muslim Code, it has a very limited application. It only applies to matters of family law such as marriage, divorce and succession and some related Islāmic offences. It does not have any provision related to the administration of *waqf* properties. The government refused to include the proposed chapter on *waqf* and endowment in the Muslim Code which provides for the establishment of the general Muslim endowment fund from the donations and contributions made by Muslims to the *Majlis or* Consultative Council to be used for the construction and repair of mosques, Muslim shrines and cemeteries, which shall be exempted from income and gift taxes, and shall be considered as deductible items within the meaning of the Revised Internal Revenue Code (Primer). In another article proposed by the Research Staff, the Code also provides for the specific sources of this fund and the purpose for which it is expended, the mode of its accounting, its administrator who will be responsible to the *Majlis*, manner of investment of the funds, and designate bank where it would be deposited (Code of Muslim Personal Laws). The Research Staff explained that they did not propose to go around the constitutional prohibition against appropriation to support or promote any religion (i.e. Islām) because this is purely a fund drawn from the Muslim community. What has been proposed on *waqf* was not considered until the proposed Muslim Code was signed into law as Presidential Decree 1083.

The principle of *waqf* was not totally avoided by the Code. Title II, Book Three of the Muslim Code provides for a) the testamentary *waqf* under the Law of Succession, and b) the charitable trust property and ancestral lands has been classified as communal properties. Under the testamentary *waqf*, the Muslim Code provides: "An endowment for Islāmic purposes to take effect after the death of the donor (*waqf bi'l-wasiyyah*) partakes of the nature of a testamentary" (Muslim Code). Therefore, the following rules provided under the Islāmic law shall apply:

- a) The testator can make *waqf* of his property through a will of not more than one-third of his property. But he can make *waqf* through will of more than one-third of his property if with the consent of the heirs; otherwise, it becomes ineffective with respect to the property in excess of one-third;
- b) The *waqf* will take effect after the death of the creator of *waqf*;
- c) The testator has the right to amend or revoke his will whenever he likes in his lifetime (Rahman).

The administration or disposition of charitable trust property and ancestral lands as part of the communal property is expressly provided in the Muslim Code as follows: “1) Except as otherwise provided in the Code, communal property shall be administered or disposed of in accordance with Muslim law, *‘adat*, and special provisions of law. 2) Any provision of existing law to the contrary notwithstanding, the trustee of any communal property shall be the person who is in lawful possession thereof, either personally or through an agent. 3) The *Shari’ah* Circuit Court may appoint a trustee of a communal property when there is a dispute as to its custody, possession, or administration. Although, the Muslim Code does not define the properties, it may be said that all properties dedicated to public welfare or places of worship could fit well into the given classification. This is corroborated by the Organic Act for the Autonomous Region in Muslim Mindanao which provides that, “Ancestral domain refers to all lands and natural resources in the Autonomous Region that have been possessed or occupied by indigenous cultural minorities...and such shall include the following: pasture lands; worship areas; burial grounds; forest and fields; and mineral resources” (Mapupuno).

Those provisions dealing with *waqf* are the essential features of the Muslim Code because there are no other *waqf* laws recognized by the government concerning the Muslim *waqf* properties to be used for religious, charitable or benevolent purposes. *Waqf* has been accepted as purely private trust from Muslim individual. It does not support or promote Islām as religion, otherwise, it will be contrary to the state policy on the separation of church and state. The provisions on *waqf* under Presidential Decree 1083 are merely recognition of the right of the Muslim to have a free exercise of their religious beliefs and practices.

There is no statutory law that regulates the management and administration of *waqf* properties or institutions (Buat). The government

used to justify its failure to incorporate the law of *waqf* in the Muslim Code as purely of religious nature and thus, it is contrary to the principles of the Constitution of the Philippines. Therefore, reliance on the legislative support to implement the law of *waqf* becomes difficult. As a result of this, no constitutional measure had been taken to administer the *awqāf* properties of the Muslims (Gamon, 2001).

Borrowed from American legal system, the Philippine Corporation Law on trust properties serves as a guiding principle for enacting laws related to organization and setting up of welfare and charitable institutions, to which, Muslims communities are also subjected. The Functions of administrations of trust assets are covered by various statutory enactments depending upon their nature, purposes and functions (Buat). The property rights of a person or institutions are governed by the Philippine Civil Code. Other relevant provisions on the appointment and powers of trustees can be found in Rule 98 of the Revised Rules of Court. The Public Land Act governs the registration and titling of properties. Since Islāmic *waqf* law is not recognized by the government, Muslims have been forced by circumstances to give effect to the performance of their religious duties and intentions by the adoptions of the above-mentioned laws.

Charitable institutions have been granted exemption from different taxes imposed by the government. Every institution that is purely charitable is not subject to corporate tax, income tax, expenditure tax, property purchase tax, stamp duty, fees and duties, customs duties and inheritance tax (recently abolished). It is neither subject to labor laws (Workmen's Compensation) nor subject to the jurisdiction of the industrial Court as clearly provided in the Republic Act 875, known as the Industrial Peace Act.

### **Role of *Waqf* in the Development of Islāmic Institutions**

An indepth analysis of the history of Muslims in the Philippines will undoubtedly inform the urgency for revisiting the religious and societal role of Islāmic financial institutions like *waqf*, *zakāh* and *ṣadaqah*. Despite the legal impediments that restrained *waqf* properties to prosper and fulfil its purposes, the institution of mosques and *madrrasah* have undoubtedly played a significant role in the life of Muslim communities in the Philippines. The mosques and *madrrasah* institutions throughout the country have been receiving a bulk of the contributions made

by Muslims in the form of *waqf*, *zakāh* and *ṣadaqah*. Some revenues generated from waqf properties were used to maintain and upkeep religious and holy places or shrines (Buat). However, the influence of secularism on Muslim culture and the relatively naive understanding of Islāmic teachings can be discerned from the conceptual framework by which, the subject of waqf is being reduced to properties such as lands and buildings. The success story of cash waqf as it has been practiced by many Muslim countries is indeed relevant for the economic life of Muslim communities (Murad) and certainly, Muslim minorities in the Philippines are not an exception. In the absence of government institutions to provide for the economic needs of the less-privileged Muslims, there has always been a group of religious and professional or private organizations who are concerned about the improvement of the socio-economic and spiritual condition of the Bangsamoro. Some of them were acting as *mutawalli* by receiving and keeping the *waqf* properties to be used for developing the Islāmic institutions in the Philippines. Reflecting on the status of waqf in the country, however, it is sad to note that the Islāmic Trust and Development was flawed in its operations due to the absence of a real *mutawalli* whose expertise is indispensable for the overall socio-economic growth of waqf properties. In addition, there has been a total silence on the part of the government agencies and Muslim organizations to conduct a survey on the management and development of waqf in the country. As a result of this, it is inevitable that historians of waqf in the Philippines may find difficulty in tracing relevant information that could be vital for understanding Islām as a complete system of life.

*Waqf* plays an important role in the development of Muslim education, especially the establishment of madrasah institutions that impart Islāmic knowledge to the young generation of Muslims. A number of universities and colleges were established using *waqf* properties with the help of different Muslim organizations, as illustrated below:

### **The Markaz al-Shabbāb al-Muslim fil-Filibin**

The Markaz al-Shabbāb al-Muslim fil-Filibin (Markaz), an organization of conservative *‘Ulamā’s* and Muslim professionals in the Lanao provinces and Marawi City, became the administrator of *awqāf* properties including, the setting up of Ibn Sina Integrated School (Sarangani). It administers and holds in trust the donations and contributions made by

Muslims for charitable purposes and the financing of *awqāf* properties for the development of the Muslim community. The organization tried to develop the financing of the madrasah schools by developing their economic activities. The Markaz was able to build new masjids, hospitals and other centers of learning out of cash and donations sent by the Muslim organizations from the Middle East (Sarangani).

### **Ranao Council Incorporated (RC)**

Ranao Council Incorporated (RC) is an organization working to help meet the needs of Muslim Filipinos. It was the partner of the Markaz Al-Shabbāb al-Muslim Fil Filibin in the establishment of the Ibn Sina Integrated School. One of its objectives is to cooperate with other groups in undertaking activities or projects, which are designed to benefit the Muslim Communities. Aside from that, this organization established another college, the RC Al Khwarizmi International College Foundation Incorporated (AKIC), a Muslim owned and managed higher education institution. The college aims at helping to alleviate the living conditions of the Muslim Filipinos, Maranaos in particular, by providing them quality and relevant education. The aftermath of the Marawi City siege (May 23-October 23, 2017) had convinced the Board of Directors of AKIC to find a temporary building in Iligan City to continue their educational mandate. While AKIC has to resolve issues related to funding and facilities, active members of Ranao Council have shown their unwavering concern for the Islāmic education of the Maranao youth.

### **Jamiat al-Filibbin al-Islāmiyyah (JPI)**

The Jamiat al-Filibbin al-Islāmiyyah (JPI) is the largest Muslim private educational institution in Central Mindanao, which was set up by the stakeholders as a family foundation. It was founded in 1955 and registered as a *madrasah* with a permit to offer complete elementary, secondary and collegiate courses in addition to traditional Islāmic courses. The JPI is situated in the central district of Marawi City. Former Senator Domocao Alonto was the prime mover in the growth and development of *Jāmi 'ah* into a full-blown institution of higher learning offering Western-type courses (Ahmat). It has been considered as the foundation of Sultan Alauya Alonto and his wife Hadja Aminah Alangadi. Their children are the major stockholders and all their shares and contributions are deemed *waqf*. All the budgets of the *Jāmi 'ah* shall be derived from the funds of

that *waqf*, and the amount of support that the Board of Trustees had been receiving from the Islāmic Bank and the state of Kuwait (until 1972 only) (Alonto). The late Datu Tagoranao Benito donated the land occupied by the *Jāmi'ah* as *waqf*. The stockholders reconstructed the *Jāmi'ah* after its nine buildings were completely burned by the government soldiers in 1972. At present, it has only four buildings with a mosque and a well-stocked library and laboratories with equipment. For more than forty years, the *Jāmi'ah* has been producing professionals who are now engaged in various fields such as Islāmic Studies, education, business, political, agriculture, engineering and government administration. Its fundamental objectives are solidly anchored in the Islāmic precept that the pursuit of knowledge is a basic duty of every Muslim (Ahmat).

### **Jamiatul Marawi al-Islāmiyyah Foundation (JMIF)**

The Jamiatul Marawi al-Islāmiyyah Foundation (JMIF) is one of the recognized private schools in the province of Lanao del Sur. The four-hectare campus of the JMIF, including nursing and science laboratories, a library, administrative and college building are endowments established on behalf of a collective group of persons. Sultan Rashid D. Sampaco as a true Maranao philanthropist was instrumental in the establishment of the JMIF and Mahad Marawi in 1972. Mahad Marawi operates as a traditional madrasah in Lanao del Sur that teaches Arabic and Islāmic studies, especially the Qur'anic and Arabic language. Upon the establishment of the JMIF and Mahad Marawi, Sultan Rashid worked on establishing linkages with local and international Muslim organizations for the recognition of these institutions. Through the established links, the school buildings of Mahad Marawi and the JMIF were funded by the Islāmic Development Bank and some financial support was also received from the Muslim World League. Generally, financial support received from Muslim countries are intended to uplift the socio-economic and educational status of Muslims in the Philippines. There are many individuals who established the pious endowment fund through the channel of the Board of Trustees of Mahad Marawi.

The JMIF had received funding from the local government during the tenure of the late provincial governor of Lanao del Sur, Maminatal Adiong for the construction of a gymnasium building (Sindaw). The playground was funded by the Provincial Government of Lanao del Sur under the administration of the late Moctar Abedin as acting governor

of Lanao del Sur. The front road was funded by the City Government of Marawi City under the administration of Ex-Mayor Abbas Basman. The budget for concreting the internal elliptical road of the JMIF was funded by the office of congress of First District, Lanao del Sur under the leadership of Faisah Dumarpa.

In addition to the funding given by some Muslim countries from the Middle East in the form of cash *waqf*, tuition fees for students and donations from affluent persons in the community are collected for the purpose of developing the buildings, teaching and instructional materials of the JMIF and Mahad Marawi. The Board of Trustees manages the finance and administration of the *Mahad*.

The JMIF offers five academic degrees and two associate degrees on top of its complete pre-school, elementary and high school program. Classes are held in its three concrete buildings. The JMIF offers four-year academic programs: Bachelor of Secondary Education, (English and Filipino major); Bachelor of Science in Nursing; Bachelor of Commerce (major in Accounting Management); Bachelor of Arts (2 majors: Political Science and Shari'ah). Additionally, the school offers Diploma in Midwifery and Associate in Computer Science.

### **Jamiat Muslim Mindanao (JMM)**

The Jamiat Muslim Mindanao (JMM) was established in 1956 by a group of 'Ulamā's. Sheikh Ahamad Basher and other Maranao 'Ulamā' of Lanao Province started with a simple *madrasah* education at the residence of former Lanao del Sur Provincial Governor Abdul Gafur Madki Alonto in Lolong, Dansalan. JMM offers comprehensive Islāmic education for Muslims in the Philippines. It is recognized by the Department of Education, Culture and Sports (DECS) as one of the sectarian Islāmic schools in the Philippines, which offers kindergarten, complete elementary, complete secondary and college courses by following the curriculum common to *madāris* in the Arab world (Department of Education, Culture and Sports).

In 1961, an agreement was signed between Sheikh Ahmad Basher and Sheikh Abdurrahman Pacasum, owner of the land, that is situated at Pacasum Street, Lumbaca Madaya, Marawi City to be used by the Madrasah for a period of 30 years as a *waqf* land. Another *waqf* land in Ganassi was utilized for Agama Islām Academy, a branch of the JMM which offers complete levels of English education.

In 1972, Ma'had Mindanao al-Arabi al-Islāmi was transferred to Darussalam, Matampay, Marawi City. The land that was occupied by the Mahad was claimed by the government as a military reservation land. Through the help of Mohammad Ali Dimaporo and Sheik Esmail Laut Sarip (who were relatively close to former President Ferdinand E. Marcos), the land was excluded from military reservation pursuant to Proclamation No. 2223. A certain portion of the land that was occupied by the JMM is a *waqf* land given by Sultan Tiboron Maruhom to the Agama Islām Society as *mutawallī*. From the inception of the JMM as a *Mahad* and a *Jāmi'ah*, it functions as Islāmic institution responsible for catering to the educational and religious needs of the Muslims in the Philippines until today.

With the help of Dr. Mohammad Hassoubah, a visiting Professor from Republic of Egypt to the Mindanao State University, Hon. Salipada Saud Tamano, former Department of Education (ARMM) Regional Secretary, Dr. Mario Rodriguez, Prof. Marlene H. Tamano, and Prof. Salic L. Maungco, JMM was recognized by the Ministry of Education, Sports and Culture (MECS) as sectarian Islāmic school. Its educational philosophy is inspired by the recommendation of the First World Conference on Muslim Education, held in Mecca, Kingdom of Saudi Arabia in 1977.

In addition to the tuition and miscellaneous fees received from the students, the Government Assistance to Private Education (GASTPE), the donations from philanthropic individuals, non-governmental organizations, gifts, bequests and solicitations, JMM also received funds from Muslim countries like Egypt, Jordan, Kuwait and Saudi Arabia. After the death of Sheikh Ahmad Basher, his son Mahdi Ahmad Basher presides as the Chief Executive and President of the JMM as well as the administrator of the *waqf* properties entrusted to Agama Islām Society.

Despite many obstacles in meeting the financial needs of the JMM as a living bastion of Islāmic and Arabic studies in the Philippines, it survived as a non-profit, non-stock educational institution of higher learning with 132 branches of *madāris* throughout the country, most of which are in Mindanao (Jamiatu Muslim Mindanao). The resilient educational philosophy of the JMM emphasizes the importance of spirituality, ethics and virtues as well as physical, intellectual social and technical development. These have empowered the graduates of the

JMM to understand the nature of today's ignorance, poverty, illiteracy, infidelity, and other forms of social ills and problems of the Muslim society (Jamiatu Muslim Mindanao). As a recognized Islāmic institution of higher learning in the Philippines, JMM was also instrumental in developing the discourse of peace and reconciliation among Muslim and non-Muslim intellectuals in the Philippines.

### **Pangarungan Islām College**

The Pangarungan Islām College was founded in 1965 by the late Datu Ama i Manabilang, the grandfather of the Pangarungans or the beneficiaries. Its campus was located in Marawi City, which was housed in a four-storey building. The school directed its educational efforts primarily to Maranao students. It gave free education to the general public and scholarships to poor and deserving students, with the aim of strengthening the knowledge of Islām and the Arabic language among the Maranaos. The school was generally committed to promoting social and economic development by providing academic excellence (Gamon).

### **Pacasum College**

The Pacasum College is the third Islāmic school established in Marawi City through family *waqf*. This school is owned and operated by the Pacasum family, headed by their patriarch, Shaikh 'Abdulrahman Pacasum, son of the late Sheikh Mustapha Pacasum who held the distinction of being one of the few Muslim Filipinos of his time to perform the pilgrimage to Mecca (Ahmat). The main purpose of the school is to provide affordable, dedicated and competent educational services (Carson).

### **King Faisal Center for Islāmic, Arabic and Asian Studies**

The King Faisal Center for Islāmic, Arabic and Asian Studies is under the Mindanao State University (MSU). It was established through the endowment of the late King Faisal of Saudi Arabia. The Institute was established in 1973 to offer courses in Islāmic Studies, Arabic as a second language and Studies on *Shari'ah* law. It also undertakes research of the Muslim culture in the Philippines. Aside from being an educational institution, the Center has been instrumental in raising awareness among Muslim and non-Muslim students on the contribution of the Islāmic civilization to human heritage. It highlights the universal features of the Islāmic civilization. The publication of the Islāmic Mindanao Journal as

a project of the Center was meant to develop scientific culture among academic staff and students. The offering of the course of International Relations by the Center is obviously meant to realize MSU's agenda of integration, and the Center's continuous support for Islāmic Solidarity. The introduction of the Arabic Teaching Program is intended to train a new generation of Muslim scholars who are specialized in the fields of social sciences, Arabic language and literature, and Islāmic studies. The Center has organized series of lectures, conferences, and symposia on issues vital to Islām and the role of Muslim in the Philippines, in the socio-economic and political transformation of the Philippine society, and linking Muslims to the roots of Islāmic heritage and culture. The library at the Center and the books endowed by few individuals has helped to develop the culture of research among students and staff of the Center, as well as other colleges and departments in Mindanao State University.

### **The Charitable Al-Waqf Foundation**

The Charitable Al-Waqf Foundation is a non-Government Organization with the primary goal to support and give financial assistance to projects like constructions of Masjid, Islāmic Schools and water systems. This Foundation was able to construct Islāmic schools in different municipalities of Lanao del Sur, namely:

1. Madrasatu Salman Bin Farisi – a new four-classroom Madrasah (Islāmic School), Madrasah Mus'ab Bin Umair Radi-Allāhu 'Anhu; funded and sponsored by Salem Al Mahshadi, a Qatari National from Doha.
2. Madrasah Umm Mu'minin Aisha Radi-Allāhu 'Anha is funded and sponsored by Haya Bint Rashid Al Mahshadi from Doha, Qatar.
3. Madrasah Abdullah bin Omar R.A was built in Marawi City, fully sponsored by Mohammad Al-Ka'abi and Shamah bint Ali Al Mahshadi from Qatar.

### **Religious Institutions (Mosques)**

There is no shortage of mosques in the country as every region has a number of mosques built on *waqf* lands and financed by cash *waqf* provided by the people and some religious and private organizations. Most of these mosques are *waqf* given by head of states or other Islāmic

foreign organizations. A grand mosque in Cotabato City was part of *waqf* properties given by the Sultan of Brunei, Hassanal Bolkiah. It is considered as the largest mosque in the Philippines with gold-plated domes and towering minarets. The construction was initiated in line with the Peace and Development Project in Mindanao. The mosque is to serve as a place for Muslims to perform their worship and a symbol of peace for everyone including Filipino non-Muslims.

The Charitable Al-Waqf Foundation successfully constructed two mosques in two different provinces, the Lanao del Sur and Lanao del Norte. The Masjid Abdullah bin Abbas R.A was built in Marawi, the capital city of Lanao del Sur in 2014, funded by Abdullah bin Saif Al Khiyarain of Doha, Qatar. The second mosque, Masjid Thabit bin Qais (R.A.) was built in Lanao del Norte which was funded by Rashid bin Abdullah Al Qarwi of Doha Qatar.

The King Faisal Mosque was built in Mindanao State University, named after the late King Faisal of Saudi Arabia. He funded the construction of the masjid and the establishment of the King Faisal Center for Arabic and Islāmic Studies inside the main campus of the Mindanao State University under *waqf* system. The Center played an important role by demonstrating the University's Islāmic identity in a country ruled by Christian majority.

In Manila, the capital city, and its neighboring cities have more than fifty mosques. Muslims from Mindanao who migrated to Manila have gathered together and collected cash *waqf* for building mosques wherever they are which serve as the center of their daily lives. Religious organizations conduct seminars and Arabic classes within the premises of these mosques.

The Salam Mosque Compound in Quezon City (next to Manila) was part of the donation by the Libyan Minister of State Salih Bouyasir in 1971 to acquire land, for the purpose of establishing an Islāmic center (Philippine Studies). The Islāmic Directorate of the Philippines (IDP) as the trustee (*mutawallī*) had registered it at the Securities and Exchange Commission (SEC) as a religious institution. The 4.9 hectares mosque compound became the most controversial and bloodiest *waqf* property after some Muslim leaders mishandled and sold the lands to a non-Muslim religious organization in the Philippines (Kisala).

## Problems and Issues in the Development of *Waqf* Properties

The role of *waqf* is very important to the Muslim *ummah*. It is the main instrument in building mosques and Islāmic schools and offering social services. *Waqf* cash endowed to the mosques were used for other religious projects and Islāmic community activities, such as giving food and shelter to the poor and the victims of the Moro wars against the government. Religious organizations and other individuals became the trustees or *mutawallī* for those *waqf* properties. However, some of those properties were not properly managed and developed because of the following reasons:

1. Majority of the Muslim Filipinos do not understand the meaning and importance of *waqf*.
2. Some trustees or *mutawallī* abused or mismanaged the *waqf* properties and used it for their own benefit.
3. *Waqf* properties could not be developed because of lack of capital from *halal* sources.
4. Lack of interest from the 'Ulamā' in promoting the teaching of Islām relating to the advantages of *waqf* system.
5. Lack of support from private and government institutions.
6. Only few rich Muslims are around, who are willing to give some part of their wealth for *waqf* purposes.

## Conclusions

Most *waqf* properties in Philippines were used for building mosques, Islāmic schools and for some welfare activities for poor Muslims. Those properties also strengthened and developed the religious adherence and education of the *Bangsamoro* people. However, the *waqf* system is beset with problems, particularly in regard to their management and development. For sustainable development of *waqf*, this paper recommends that religious organizations, the 'Ulamā' and Muslim leaders in Philippines must learn from the neighboring Muslim countries, especially Malaysia, in establishing a credible *waqf*-based model for good management and financing. This paper concludes that strong awareness on the importance of *waqf* system in the Muslim society is a necessity. Therefore, one of the solutions for its gradual development and management should be through a better understanding and wider knowledge about the Islāmic teachings and objectives concerning *waqfs*.

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ISSN 0128-4878 (Print)

ISSN 2289-5639 (Online)

