

# The Post-war Reconstruction of Waqf Properties in Marawi City: Prospect and Challenges

Dr. Mariam Saidona Tagoranao<sup>1\*</sup>, Dr. Alizaman D. Gamon<sup>2</sup>

Faculty of Syariah and Law, Universiti Sains Islam Malaysia,  
71800 Bandar Baru Nilai, Negeri Sembilan, Malaysia  
[mariam@usim.edu.my](mailto:mariam@usim.edu.my)

International Islamic University Malaysia, Kulliyah of Islamic Revealed Knowledge and Human Sciences  
53100 Gombak, Selangor, Malaysia  
[alizamandg@yahoo.com](mailto:alizamandg@yahoo.com)

**Abstract:** It was the five months Marawi sieged between the Philippine Armed Forces and the ISIS group that brought the masjid and madrasah and other waqf properties into ruins and ashes. The government promised to reconstruct the city, but there is no guarantee that waqf properties will be included in the proposed transformation plan on the ground that these are not constitutionally considered as part of the government assets. It will be the responsibility of the people in Marawi City and the religious organizations to work together and find ways to reconstruct and revive the destroyed masjid, madrasah, waqf buildings and other related properties. The aim of this paper is to identify the prospect and challenges in reviving and reconstructing the waqf properties, including the waqf lands claimed by the government as part of the military reservation. The importance of waqf properties for the socio-economic development of Muslims who were victims of the war will be highlighted. The rights and rule of law, as well as the strategies in the reconstruction of masjid and madrasah, will be examined. This study will use qualitative research method to be gained from library research, and web-based journals and articles. The finding will show that the reconstruction of the waqf properties will take many years, unless, the government and other Muslim countries will provide financial assistance and services knowing the important role of these properties to the socio-economic development of the Muslim population of Marawi City.

**Keywords:** , Challenges, Development, Post-war, Reconstruction, Waqf properties

## 1. Introduction

Marawi City, the capital town of the province of Lanao del Sur has been known as the spiritual and cultural center of the Muslims in the Philippines. Among the cities within the jurisdiction of the Autonomous Region for Muslim Mindanao Region, Marawi City is considered as the largest with a population of more than 200,000. It has been dubbed as the only “Islamic City” of the Philippines for having many beautiful masjid and madrasah or madaris in every district of the city. It has the biggest and oldest madrasah in the Philippines, the Jamiatul Muslim Mindanao (JMM), that offers a complete level of education, like the madrasah in the Middle East countries. This madrasah has been established to provide Islamic education not only for the people of Lanao del Sur but also for all Muslims in the Philippines. Aside from religious and educational waqf, there are waqf properties dedicated for community services such as, health services for the sick poor people, shelter for the needy, waiting shades, water system, and lodging houses for visitors. However, most of these properties were totally destroyed by heavy airstrikes and ground assault during the five months war in Marawi City.

Marawi City was attacked by the Maute/ISIS group on May 23, 2017 and the war ended on October 23, 2017. Due to the series of strong airstrikes and ground assault for the past five months, the masjid, madrasa and other *waqf* properties were heavily destroyed. Those properties became the instruments that upgrade the socio-economic developments of the Muslims who are living around the Lake Lanao. The waqf lands used for madrasah, masjid, Muslim cemetery, water system, dormitories, waiting shade, and other charitable properties were mostly part of the ancestral land converted to waqf properties as agreed upon or with the consent of the members of the family. Before the war, some

*waqf* properties performed the Islamic education, religious and social services and other functions which the Philippine Government failed to provide to the Muslim minority. In the olden days, it became the only financial source 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 contribute to the development of the Muslim cultural and scientific activities in the Philippines (Gamon, 2001). It shows that *waqf* has been developed as one of the important Islamic institutions in the Philippines, especially in Lanao del Sur and Marawi City.

After the Marawi City sieged, the masjid, madrasah and other *waqf* buildings lay in ruins and ashes. Although, the government promised to reconstruct and revive the City to make it habitable for the residents, there is no guarantee that the *waqf* properties will be included in the proposed transforming rehabilitation plan on the ground that these are not constitutionally consider as part of the government assets. It is not also constitutionally protected because of the separation of religion and state. Therefore, it becomes the responsibility of Muslim individuals and the religious organizations to work together and give priority funding and services in the reconstruction of the destroyed *waqf* properties, particularly the masjid and madrasah. They have to push more activities that will promote the financing for the reconstruction of those properties partly or totally destroyed during the war. One of the objectives of this paper is to study the challenges in building back the *waqf* properties in Marawi City. One of the prospects in order to succeed for the reconstruction is the necessity of creating a trust fund to be dynamically mobilized by the Al Amanah Islamic Investment Bank, the only Islamic Bank in the Philippines. The creation of trust fund will strongly support the financing for the immediate revival of *waqf* properties, especially the madrasah and integrated schools which are necessity for Muslim children as parents realized the importance of religious education after long period of being displaced in Christian areas during evacuation time. For longer-term prospect for economic growth, there is a need to emulate the *waqf* system adopted by the neighbouring countries like Malaysia and Thailand of which the masjid is not only for prayers but also as a cultural center for learning and also for other Islamic events that will create a source of revenue for the masjid maintenance and for microfinance. At least, the *waqf* micro-finance will possibly meet and finance the ten percent bottom of the poorest population of Marawi City and those people who have lost totally their businesses or livelihood during the war.

This is a current study focusing on the importance of the reconstructions of masjid, schools, madrasah and other *waqf* properties destroyed during the Marawi City war. The reconstruction of *waqf* properties will bring back their potential application for the socio-economic development of the Muslim community. There are many past studies in the development and management of *waqf* properties in different Muslim countries and Muslim minority countries like Singapore and Thailand. Unfortunately, Philippines, a majority Christian country with only less than 15 million Muslim population does not legally support any religious institutions including *waqf*, *zakat* and *bait ul-maal*. The Philippine Constitution clearly provides that: "The separation of Church and State shall be inviolable." (Article II, Section 6). While Article III, Section 5 provides that: "No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof. However, Philippine government provides exemption on real property tax on all lands, buildings, and improvements, actually, directly, and exclusively used for religious, charitable, or educational purposes under Section 28(3) of Article VI of the Philippine Constitution. Madrasah or madaris have been considered for religious education. According to Lacar et.al. (Lacar, 1986), the madrasah schools play an important role for national integration, although, there are formidable obstacles. The Muslims cannot rely with the government support, although, during the Muslim Mindanao conflict there was a promotion or announcement in the Muslim areas of repairing old mosques ruined by military aid but the efforts landed only on highly publication in the national press and in government pamphlets (Rosaldó, 2003). The government needs to learn how important the *waqf* institutions to the Muslim community. Ghazale emphasized that *waqf* or endowments are crucial part of the political, economic and social well-being of the Muslims, the service-providing institutions for education and healthcare (Ghazaleh, 2011). Thus, an immediate action for the reconstruction of *waqf* properties is a necessity which needs the support or financing from endowed philanthropic organizations or individuals. It has been suggested that in the past, one hopeful sign is the way in which hereditary rulers are proving strong role models for philanthropic giving in a number of Muslim countries like in the Middle East (Ibrahim, 2008). In the Philippines, political leaders, royalties, religious organizations and individuals

must have to commit not only their time and talents but also their wealth. The masjid must be reconstructed not only as a house of prayers but it will also serve as the Muslim community centre. Like in Singapore, the Muslims are minority and the mosque have assumed the formed of community centres. The mosques activities are coordinated by *the Majelis Ugama Islam* which consistent with the concept of the mosques being institutions that actively promote the collectivity of the *ummah* (Ariff, 1991). Waqf properties in Singapore are well-managed and developed with the creation of General Endowment Fund (*bayt-ul-maal*). But in the Philippines, *bayt-ul-maal* is not legally recognized as part of the government. Thus, a trust fund needs to be established for the financing reconstruction of the *waqf* properties in Marawi City and other Muslim areas in the country.

This study used qualitative research method to be gained from library research, and web based journals and articles. The previous literature related to the development and management of waqf properties were gathered and reviewed thoroughly. Prior studies provide interesting insight on the importance of masjid, madrasah, healthcare centres and integrated schools before the Marawi City war broke up in May 2017. Secondary data on the recent position of the waqf properties in Marawi City has been obtained from the newspaper, Television News Watch, twitter, News blog and you tube. Information received from unpublished resources were examined and analysed. The study also analysed how important the trust fund for the financing and revival of waqf properties destroyed by the war between the ISIS and the Armed Forces of the Philippines.

## 2. Historical Background of the Waqf Institutions in Marawi City

The *waqf* system was practiced by early Muslims since Islam came to the philippines. Although, the Muslims did not fully understand the religious concept of endowment, it was part of their culture to dedicate their properties to religious purposes such as, building and lands to build *masjid* and *madrasah* and other religious infrastructures. Religious endowment had been continuously practiced until it became part of their own customs and traditions until it was handed down from generation to generation. Another way of fulfilling the functions of charitable trusts was building shades, water system, and lodging houses for visitors, especially travelers as their charity. The Muslims were made to understand the concept behind *waqf* based on the Shafii Doctrine. However, practices were gradually modified by the *ulamas* who studied in the Middle East, particularly in Saudi Arabia, Kuwait, and Egypt.

The waqf properties have been developed as religious institutions by the Muslim minority to meet the needs of the Muslim youth education and social-economic welfare in the society. It becomes the main method in fulfilling family trusts and endowment. For Muslim Filipinos, especially the Maranaos of Lanao del Sur and Marawi City, waqf serves as a religious and for social need in building the Muslim *ummah*. Although, the Constitution provides an equal protection for all the citizens including the freedom of religion, but Islamic institutions, like waqf and zakat are not recognized as part of the state. The government failed to understand that Islam is not only a religion for the Muslims but also the foundation of Muslims' culture. Therefore, the administration and maintenance of the mosques, madrasah and other waqf properties shifted unto the shoulders of the Muslim community and its success became dependent upon the commitments of individuals. Thousands of mosques and *madaris* have been built throughout in the country by the sweat and struggle of every individual Muslim Filipinos and the donations of other Muslim countries and organizations (Gamon, 2001).

In reality, some Muslims are practicing *the waqf* system by giving or receiving the awqaf properties without understanding the real meaning of "*waqf*" and its characteristics. Some of them give charity either movable or immovable properties because 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 failed to differentiate *waqf* from *sadaqah* and *zakat*. So why is there such a lack of understanding and awareness? Some people blamed the disunity of religious organisations as well as *ulamas* failure to discuss fully the *waqf* system to the Muslim followers.

Most of the *waqf* properties in Marawi City are *waqf al khayri* (welfare waqf) to cater the needs of the orphan, poor and others who need help. The *waqf* lands and revenues were used for building *masjid* and *madaris*. But some *waqf* properties, especially the Islamic integrated shoools and grave yards are governed by *waqf al-ahli* (family *waqf*) which is endowed exclusively for the benefit of the

founder, the members of his family, the descendants and later revolves for the benefit of broader welfare purposes. (Gamon, 2001)

### 3. Religious and Educational Waqf Properties in Marawi City before the War

In early times the mosques and *madrrasah* were receiving the most contributions given by Muslims in the form of *waqf*, *zakat* and *sadaqah*. Some revenues were used to maintain and upkeep religious and holy places or shrines. Some believed that only real properties, like lands and building can be the subject of waqf. Cash donations were deemed as part of *zakat* and *sadaqah*. It was a belief that put a limitation by excluding religious rich people for giving cash waqf. There are religious and Muslim professional or private organizations created to improve the socio-economic and moral spiritual condition of the Muslim Filipinos, especially the Maranaos in the two provinces of Lanao. Some of them were acting as a *mutawalli* by receiving and keeping the *awqaf* properties to be used for developing the Muslim religious and educational institutions. As an instance was the establishment of the Islamic Trust and Development Foundation. It was formed by professional Muslims to promote the development and management of awqaf properties. However, there are no information, if this organization really exist and able to fulfil its objectives to develop the waqf properties in the country.

*Waqf* plays an important roles in the development of the Muslim education, especially, the establishment of *madrrasah* institution that provides Islamic knowledge to the Muslim young generations. Some of the *madrrasah* and colleges established through *waqf* within Marawi City which are affected by the war are illustrated therein:

- a) The Jamiatul Philippine al-Islamiyyah (JPI) formerly known as the Kamilol Islam Institute, is the largest Muslim private educational institution in Central Mindanao set up by the stockholders as a family foundation. It was founded in 1955 and registered as a *madrrasah* with a permit to offer complete elementary, secondary and collegiate courses in addition to traditional Islamic courses. It was one of the stronghold schools occupied by the ISIS in Marawi City for more than three months. It fell to the government control on September 16, 2017 (Fonbuena, 2017).
- b) Jamiatul Islamia Marawi Foundation is one of the famous private schools in Marawi City founded in 1972 by a Maranaw philanthropist. The school campus has its own nursing and science laboratories, the library, the administrative and college building which are endowed by a collective group of local and international individuals. Some of the buildings were used by the ISIS in fighting the Armed forces of the Philippines in Marawi City.
- c) Maahad Marawi Al- Islami is one of the biggest *Madrrasah* in Marawi City. It was funded by the Islamic Development Bank, Jeddah, Kingdom of Saudi Arabia, and some financial support are also received from the Muslim World League. They financially supported this *madrrasah* to uplift the socio-economic and educational status of Muslims in the Philippines. It became one of the stronghold by the ISIS in fighting against the government soldiers.
- d) Pacasum College is one of the oldest school established in Marawi City through family *waqf*. This school has been maintained to provide affordable, dedicated and competent educational services to the Muslims, particularly for students coming from poor families.
- e) Other schools and *madrrasah* which have been destroyed by the air strikes during the Marawi war are: Jamiatul Waqf, Jamiatul Muhseneen, *Madrrasah* Waqf Qismul Banaat, Maahad Qiraat, *Madrrasah* Disomangcop, Maahad Dhikri Al Islami . The Ibn Sina Integrated School founded by the Markaz al-Shabab al-Muslim Fil-Filibin (Markaz) and the RC Al Khwarizmi International College Foundation Incorporated (AKIC), a Muslim owned and managed higher education institution are not seriously affected. However, these schools are still not operating, although, they have been declared as part of the cleared areas in Marawi City.

In Marawi City, there were numbers of masjid in every district which were built on waqf lands. They were financed by cash *waqf* provided by the people and some religious and private organisations. Some of the damaged masjid occupied by the ISIS during the war are (some photographs of masjid and waqf educational schools destroyed in the war are presented in the appendixes) :

- a) The Masjid Islamic Center - It is the grand mosque in the province of Lanao del Sur. It was founded by the Late former Senator Ahmad Domocao Alonto. It is located in the centre of Marawi City. It was the second major mosque that government forces had taken from the control of the Maute/ISIS group and its allies aside from Saad al Musairi Mosque, the first the government had taken. (Nawal A., 2017)
- b) The Masjid Bato is one of the biggest mosque within the City Centre of Marawi. The lower ground of the Masjid has been used by the Maahad Marawi Al Islami as students' classrooms for more than forty years. The Masjid became the command centre by the ISIS and where many hostages of the war were kept by them. It fell into the government hands on September 16, 2017.
- c) Other masjid which were affected by the war are: Masjid Abubakr, Masjid Shiekh Mura, Masjid Barrio Naga, Masjid Najwa, Masjid Markaz, Masjid Yahya Moner, Masjid Da ul Aman, Masjid Raya Madaya and Masjid Lilod Madaya.

#### **4. Reconstruction of Waqf Properties**

An attempt to reconstruct the waqf properties involves the purpose of bringing back a well-developed and managed properties. The aftermath of the war will strengthen the religious faith and courage of the people leading to national building process and religious revivalism. But the problem is how and when are they going to start the reconstruction. It is clearly found that images and video footage circulated in the media – along with satellite imagery obtained by Amnesty International and other organizations – show the significant damage the city sustained, including many half standing buildings pockmarked with bullets and shrapnel, streets covered in rubble, and damaged mosques (Amnesty International 2017). In the beginning of the war, the Philippine military forces were advised to avoid the destruction of the mosques. The community leaders, the non-governmental organizations and religious groups repeatedly requested the government during the 5 months sieged to minimise the air strikes to avoid heavy destructions. However, they were forced to target mosques in its surgical strikes because terrorists have taken refuge in those places of worship (Maitem, 2017). It means, the mosques became a target to save lives of the hostages and protect the government army who were fighting on the ground. Its necessity for military to destroy the infrastructures including the religious buildings has been questioned by the Amnesty International as a violation of the international humanitarian law (IHL).

It is more than a month that Marawi City was declared as liberated from the enemies but nothing has been started as might have been expected, although, donations from different organizations and countries are being received by the authority. In fact, the Amnesty International strongly recommended to the Philippine Government to undertake immediate and effective reconstruction and rehabilitation plans in Marawi (Amnesty International, 2017). The government emphasized that Marawi needs P50 billions for the reconstruction, but it was not expressly stated if mosques and madrasah will be covered.

It is part of the post-war reconstruction concept the presence of outside donors from the global communities represented by different international and local organizations. In truth, some countries and international institutions have in fact pledged financial assistance such as, the United States, Japan, Australia, Thailand and China as well as the World Bank and the Asian Development Bank. Aside from that, a number of agencies and public institutions want to have a part in the reconstruction effort, including the local government units. (Philippine Daily inquirer September 23, 2017). But the government clearly pointed out that reconstruction will be a difficult, long-term challenge, since much of the city, including its public infrastructure, has been completely destroyed after months of heavy fighting (Majallah, 2017).

Mindanao Development Authority (MinDA) is trying to initiate a plan related to an Islamic financing scheme for the reconstruction of the destroyed infrastructures. This is based on the demand of the Marawi local and traditional leaders by considering the Muslim culture of the people and the religious historical structures of the properties affected by the war. Many of the residents and religious organizations emphasised the necessity of Shariah-compliant funding which is based on their religious practices. However, it was found out that there are legal issues to the proposed Islamic finance recovery scheme for Marawi City. As one writer pointed out that,

The Philippines has just one Islamic bank – Al Amanah Islamic Investment Bank of the Philippines – which doesn't operate as a full-fledged Islamic bank. The country has its own legislative charter and currently has no leeway in creating new funding vehicles within the existing regulation since Philippine lawmakers still have to enact a long-awaited general framework for Islamic banking, capital markets and insurance in the country. In the absence of this framework, the existing laws applicable to conventional banking would have to be considered for adopting terms and conditions suitable for Islamic recovery financing in the way of participation banking. All of this would need approval by the Philippine central bank, making the creation of an Islamic recovery fund for Marawi City a lengthy and complex process. (Maierbrugger, 2017)

The government needs to legislate a framework related to Islamic finance as an operational foundation for a specific Islamic financial scheme not only in Marawi City but all over the country. This is a way of Islamizing the Philippine conventional banking system and the government emergency loan programme for Marawi City residents through the country's social security system. Some government official believed that implementation of Islamic finance in the Philippines will attract the Muslims in the Middle East to invest and support the reconstruction of Marawi City.

## 5. Conclusion and Recommendations

There is a need for Muslim leaders residents to be united in pushing the government for the immediate reconstruction of waqf properties in Marawi City. It is worth studying to propose that creation of trust fund under Al Amanah Bank will be a necessity to keep the amount received from *waqif* or for any local or international fundraising for the purpose of reconstruction and development of masjid, madrasah and integrated schools. It will also bring out new awqaf investment for macro-finance to help those people who have lost their business during the war. But there are many challenges to be considered for the postwar socio-economic reconstruction of waqf properties in Marawi City, namely:

- a) There is no collaborative effort between the government and the religious organizations related to the reconstruction of waqf properties that have been destroyed during the war.
- b) Some of the waqf lands have been claimed by the government as part and parcel of the military reservation.
- c) Lack of unified system in managing and developing the waqf properties among the religious organizations and individuals.
- d) Majority of the Muslim Filipinos do not understand the meaning and importance of *waqf* in the Muslim *Ummah*.
- e) There were trustees or *mutawalli* who abused or mishandled the *waqf* properties and personally used it for their own benefits.
- f) Difficult to find halal sources to finance the reconstruction of waqf properties.
- g) Lack of interest from the *ulamas* in promoting the teaching of Islam related to the advantages of *waqf* system.
- h) Lack of support from the government institutions. In fact, there is no positive declaration from government that *waqf* properties destroyed by war will be compensated.
- i) Very few of the Muslims, who are willing to give some part of their wealth for *waqf* purposes.

As a conclusion, some recommendations have been provided as an action plan for the immediate reconstruction of the waqf properties:

- a) The Mayor of Marawi City and the City Councilors must have to convene the non-government organizations including the religious groups to create a trust fund task force.
- b) The trust fund will be registered as a corporation and the collected funds will be aligned to the *Al-Amanah Islamic Investment Bank of the Philippines*.
- c) The Trust Fund will purposely finance and facilitate the rehabilitation and reconstruction of the waqf properties destroyed during the war.
- d) The Trust shall be incorporated as an entity capable of receiving and administering both local and international currencies for donations.

- e) In order to avoid conflict among the organizations, the administrators or *mutawalli(s)* must be elected among the representatives of the different organizations.
- f) The trust fund can also be designed for waqf micro-finance to meet the ten percent bottom of the poorest population of Marawi City. It will also help those people who have totally lost their business or means of livelihood during the war.

In spite of those set of problems and challenges, the *waqf* properties can be revived and reconstructed. However, it would take several years to reconstruct and developed the mosques, the madrasah and other waqf properties in Marawi City, unless, the local governments and other countries offer financial assistance and services.

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