

Courts for Muslims

A Primer on the Philippine Shari'a Courts



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Courts for Muslims

A Primer on The Philippine Shari'a Courts

What are Shari'a courts?

Shari'a courts are Shari'a District Courts (SDCs) and Shari'a Circuit Courts (SCCs) that were created in 1977 through Presidential Decree 1083, which is also known as the Code of Muslim Personal Laws. These courts have been established to resolve cases involving Muslims.



For what offenses can I be liable in Shari'a courts under the Code of Muslim Personal Laws?

- Illegal solemnization of marriage
- Marriage before expiration of *'idda* (waiting period for a woman)
- Offenses relative to subsequent marriage, divorce and revocation of divorce
- Failure to report for registration
- Neglect of duty by registrars

Are Shari'a courts part of the Philippine judicial system?

Yes. Shari'a courts, which were created specifically for the effective administration and enforcement of the Code of Muslim Personal Laws, are subject to the administrative supervision of the Supreme Court.

SHARI'A DISTRICT COURTS



What are Shari'a District Courts?

Shari'a District Courts are courts where Muslims can file the following cases:

1. Those which fall within the original jurisdiction of Shari'a District Courts (Article 143, CMPL):
 - a. All cases involving custody, guardianship, legitimacy, paternity and filiation arising under the Code of Muslim Personal Laws;
 - b. All cases involving disposition, distribution and settlement of estate of deceased Muslims, probate of wills, issuance of letters of administration or appointment of administrators or executors regardless of the nature or aggregate value of the property;
 - c. Petitions for the declaration of absence and death for the cancellation or correction of entries in the Muslim Registries mentioned in Title VI, Book Two of the Code of Muslim Personal Laws;
 - d. All actions arising from the customary contracts in which the parties are Muslims, if they have not specified which law shall govern their relations; and
 - e. All petitions for mandamus, prohibition, injunction, certiorari, habeas corpus, and all other auxiliary writs and processes in aid of its appellate jurisdiction.

2. Those which fall within its concurrent jurisdiction with existing civil courts such as:
 - a. Petitions by Muslim for the constitution of a family home, change of name and commitment of an insane person to an asylum;
 - b. All other personal and legal actions not mentioned in paragraph 1 (d) wherein the parties involved are Muslims except those for forcible

entry and unlawful detainer, which shall fall under the exclusive jurisdiction of the Municipal Circuit Court; and

- c. All special civic actions for interpleader or declaratory relief wherein the parties are Muslims or the property involved belongs exclusively to Muslims.

What are the geographical areas covered by the Shari'a District Courts and where are these courts located?

There are five (5) Shari'a District Courts organized on the basis of PD 1083:

Shari'a District Court	Location	Area Covered	Judge
First Shari'a District Court	Jolo, Sulu	Province of Sulu	Bensaudi I. Arabani (Acting Presiding Judge)
Second Shari'a District Court	Bongao, Tawi-tawi	Province of Tawi-tawi	Bensaudi I. Arabani (Acting Presiding Judge)
Third Shari'a District Court	Zamboanga City	Provinces of Basilan, Zamboanga del Norte and Sur, and the cities of Zamboanga, Dipolog, Pagadian and Zamboanga	Tibing A. Asaali (Acting Presiding Judge)
Fourth Shari'a District Court	Marawi City	Provinces of Lanao del Norte and Sur, and the cities of Iligan and Marawi	Rasad G. Balindong (Acting Presiding Judge)
Fifth Shari'a District Court	Cotabato City	Provinces of Maguindanao, North Cotabato, and Sultan Kudarat and the cities of Cotabato and Kidapawan	Rasad G. Balindong (Acting Presiding Judge)

SHARI'A CIRCUIT COURTS

What are Shari'a Circuit Courts?

Shari'a Circuit Courts are courts where Muslims can file cases involving the following:

- Offenses defined and punished under PD 1083
- Disputes relating to :
 - ≡ marriage
 - ≡ divorce
 - ≡ betrothal or breach of contract to marry
 - ≡ customary dower (*mahr*)
 - ≡ disposition and distribution of property upon divorce
 - ≡ maintenance and support and consolatory gifts (*mut'a*)
 - ≡ restitution of marital rights
- Disputes relative to communal properties.



Under each of the five judicial districts, where are the Shari'a Circuit Courts located?

First District

Location	Judge
Jolo, Sulu	Bensaudi A. Arabani, Jr. (Acting Presiding Judge)
Siasi, Sulu	Nimrod I. Arabani
Parang, Sulu	Nurkarhati Saluppudi Sahibbil
Maimbung, Sulu	Bensaudi A. Arabani, Jr.
Patikul, Sulu	Musar Adil Amil
Luuk, Sulu	Remee-Raida Saipudin Tanjili

Second District

Location	Judge
Bongao, Tawi-Tawi	Marino M.B. Salapuddin

Third District

Location	Judge
Isabela City, Basilan	Kaudri L. Jainul
Pagadian City	Uyag P. Usman

Fourth District

Location	Judge
Tubod, Lanao del Norte	Samsoden A. Mustapha
Marawi City, Lanao del Norte	Aboali J. Cali
Baloi, Lanao del Norte	Aleem Abdurrahman Morrah
Iligan City, Lanao del Norte	Osop M. Ali
Kapatagan, Lanao del Norte	Demasira Menor Baute
Balindong, Lanao del Sur	Abdullah Rosuman Amanoddin
Ganassi, Lanao del Sur	Rasad Sarip Laguindab
Malabang, Lanao del Sur	Ameladin Masacal Alauya
Lumbatan, Lanao del Sur	Ali M. Alonto
Tamparan, Lanao del Sur	Sammanoden Ampaso
Molundo, Lanao del Sur	Abdulhalim L. Saumay
Wao, Lanao del Sur	Sirikit B. Berua

Fifth District

Location	Judge
Cotabato City-Sultan Kudarat, Maguindanao	Montano K. Kalimpo
Dinaig, Maguindanao	Datukaka P. Camsa
Parang, Maguindanao	Casim S. Bailan
Datu Piang, Maguindanao	Abdilah K. Nul
Maganoy, Maguindanao	Vacant
Buluan, Maguindanao	Mutalib S. Tagtagan
Upi, Maguindanao	Sonny Boy M. Pendatun
Tacurong, Sultan Kudarat	Nacio M. Mamaton
Isulan, Sultan Kudarat	Camlon Z. Maulana
Lebak, Sultan Kudarat	Esmael S. Atuan
Palimbang, Sultan Kudarat	Camlon Z. Maulana (Acting Presiding Judge)
Midsayap, North Cotabato	Sansaluna G. Kambal
Pikit, North Cotabato	Vacant
Kabacan, North Cotabato	Mohd. Saga Nilong Saliao
Kidapawan City, North Cotabato	Zailon L. Wahab

If I live in Manila or in any other place in the Philippines where no Shari'a courts have been organized, where can I file my case?

You can file your case in any of the organized Shari'a courts nearest you.

SETTLING CASES AMICABLY

What is the Agama Arbitration Council?

The Shari'a District Court or the Shari'a Circuit Court may constitute an Agama Arbitration Council to settle certain cases amicably and without formal trial. The Council is composed of the Clerk of Court as Chairperson and a representative of each of the conflicting parties.

What cases can be heard by the Agama Arbitration Council?

- Dispute brought about by wife's exercise of *tafwid* (when a husband has delegated to the wife the right to effect a divorce at the time of the celebration of the marriage or thereafter)
- Dispute brought about by husband's exercise of *talaq* (when divorce is effected by the husband in a single repudiation of his wife during her non-menstrual period within which he has totally abstained from carnal relation with her)
- Dispute brought about by husband's intention to contract a subsequent marriage and the wife objects
- Dispute arising from husband's refusal to give consent to wife's exercise of profession or occupation or engagement in lawful business
- Dispute brought about by a commission of an offense against customary law which can be settled without formal trial.



FILING AND APPEALING CASES

As a Muslim, why should I file my grievance before a Shari'a court?

No person is allowed to place the law in his/her own hands. Philippine Shari'a courts embody Islamic principles of justice.

Muslims are enjoined by the Qur'an which says:

O ye who believe! Obey God and obey the Apostle and those charged with authority among you. If ye differ in anything among yourselves, refer it to God and His Apostle, if ye do believe in God and the Last Day. That is the best and most suitable for final determination. (Surah 4:59)

How do I file my case?

All actions and proceedings in the Shari'a court shall commence by the filing of a complaint. This complaint shall be prepared at least in triplicate by the plaintiff (*muddai*) or his/her counsel (*wakil*) or by the Clerk of Court. (Sec. 1, Rules of Procedure)

The complaint shall contain the following: 1. title of the case, case number assigned to it, and date of filing; 2. name and address of the plaintiff (*muddai*) and/or his/her counsel, and name and address of the defendant (*mudda'a alayh*); and 3. concise statement of the cause of action and the relief prayed for. (Sec. 2, Rules of Procedure)

A complaint is deemed filed upon the payment of the docket fee.

Can a non-Muslim file a case before a Shari'a court?

Yes. A non-Muslim woman married by Islamic rites to a Muslim man can file any case covered by the Code of Muslim Personal Laws before a Shari'a court.

Can I appeal if I am not satisfied with the decision of the Shari'a court?

Yes, you can appeal decisions of the Shari'a Circuit Court to the Shari'a District Court. Decisions of the Shari'a District Court can be appealed to the Supreme Court on questions of law or for abuse of discretion committed by the Judge of the Shari'a District Court.

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