

Title: Mamiscal v. Abdullah

Facts: This case pertains to an administrative complaint filed by Baguan M. Mamiscal against Macalinog S. Abdullah, the Clerk of Court of the Shari'a Circuit Court in Marawi City, functioning concurrently as the Circuit Civil Registrar. Mamiscal alleged that Abdullah was guilty of partiality, violation of due process, dishonesty, and conduct unbecoming of a court employee.

The controversy roots back to September 26, 2010, when Mamiscal had a heated argument with his wife, which led him to decide on a talaq (divorce) which was documented in a kapasadan signed by both him and his wife, Adelaidah Lomondot. Subsequently, Adelaidah left their marital home, and during the period of 'iddah (waiting period), Mamiscal sought reconciliation through relatives.

Despite Mamiscal's change of heart and communication stating his revocation of the talaq, Adelaidah filed for divorce, presenting a Certificate of Divorce (COD) dated on the day of their argument, along with the kapasadan. On February 28, 2011, a hearing was scheduled to constitute the Agama Arbitration Council (AAC) to explore reconciliation possibilities. However, without Mamiscal's appearance, Abdullah issued a Certificate of Registration of Divorce (CRD), finalizing the divorce.

Mamiscal then sought the revocation of the CRD, claiming he had never intended, executed, or filed the COD and that he was coerced into signing the kapasadan. Moreover, he contested not being afforded due process as the AAC was not properly constituted, and reconciliation attempts with Adelaidah were ongoing. Conversely, Abdullah maintained that it was his ministerial duty to receive and act on the filed documents and that the CRD was a formality pending registration with the National Statistics Office (NSO).

Issues:

1. Was Abdullah administratively liable for his actions in connection with the registration of the divorce between Mamiscal and Adelaidah?
2. Does the Supreme Court have jurisdiction to impose administrative sanctions against Abdullah for his acts as a Circuit Registrar?

Court's Decision:

The Supreme Court dismissed the complaint for lack of jurisdiction as the allegations pertained to Abdullah's functions as a Circuit Registrar, which are executive rather than judicial in nature. The role of the Clerk of Court of the Shari'a Circuit Court, who also serves

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as the Circuit Registrar, signifies dual functions in the justice system and civil registration. The Court emphasized that disciplinary jurisdiction over civil registrars lies with the Civil Registrar-General under CA No. 3753 and is not within the judiciary's purview. Thus, the Supreme Court referred the matter to the Office of the Mayor, Marawi City, and the Civil Service Commission.

Doctrine: The principle of strict separation of powers defines the extent of judicial authority and jurisdiction, specifically in administrative supervision over court personnel. This doctrine maintains that administrative functions, such as civil registration, do not fall within the purview of the judiciary but rather under the executive's purview.

Historical Background: This case highlights the unique dual role of Clerk of Courts in Shari'a Circuit Courts in the Philippines, which stems from PD 1083, or the Code of Muslim Personal Laws, that acknowledges socio-cultural practices of Muslim Filipinos. It indicates a legislative intent to accommodate cultural necessity but illustrates a challenge in ensuring consistency with constitutional doctrines such as separation of powers. The Supreme Court's ruling enforces the limitations of its jurisdiction, reinforcing the integrity of the judicial system in the Philippines while acknowledging the separate but equally significant responsibilities of executive functions pertaining to civil registrations among Muslim Filipinos.