

### Title:

**\*\*Hadji Wahida Musa, Hadji Salma Musa, Rizal Musa, and Basser Musa vs. Hon. Corocoy D. Moson and Hadji Jahara Abdurahim\*\***

### Facts:

**\*\*Step-by-Step Series of Events:\*\***

1. **\*\*Death and Family Context\*\***: Jamiri Musa, a Muslim, died on December 31, 1987. He had six wives, three of whom he later divorced, and twenty-three children. His properties were in Maguindanao, Davao del Sur, and Davao Oriental. Petitioners Hadji Wahida and Hadji Salma Musa were among the divorced wives.
2. **\*\*Intestate Petition\*\***: On July 7, 1989, Hadji Jahara Abdurahim filed a “Joint Petition for the Administration and Settlement of the Intestate Estate of the Late Jamiri Musa and Liquidation of Conjugal Partnership,” before the Shari’a District Court, Fifth Shari’a District, located in Cotabato City.
3. **\*\*Petition Content\*\***: The petition cited that Jamiri Musa, a resident of Linao, Upi, Maguindanao, left properties in Maguindanao (184 hectares), Davao del Sur (61 hectares), and Davao Oriental (207 hectares). It also sought the liquidation of the conjugal partnership assets and the turn-over of Abdurahim’s one-half share.
4. **\*\*Opposition\*\***: Petitioners (divorced wives and some children) opposed, claiming improper venue and lack of jurisdiction over properties outside Maguindanao.
5. **\*\*Judge’s Initial Actions\*\***: On July 11, 1989, the Shari’a District Court found the petition sufficient and issued an order of publication. A hearing was set for September 18, 1989.
6. **\*\*Appointment of Special Administrators\*\***: During the hearing, the judge appointed Abdurahim, Rizal Musa, and Basser Musa as Special Administrators for properties in Maguindanao, Davao Oriental, and Davao del Sur, respectively.
7. **\*\*Contempt Motion\*\***: On October 4, 1989, Abdurahim filed a manifestation and motion to cite Basser Musa for contempt, alleging he fired upon her son-in-law’s house.
8. **\*\*Opposition to Petition\*\***: On October 13, 1989, petitioners reiterated improper venue and questioned Abdurahim’s marital status. They also requested that Rizal be appointed administrator.
9. **\*\*Reply and Hearing Commencement\*\***: Abdurahim responded by presenting deeds of sale as evidence of her marriage. Hearing on the joint petition started on December 27, 1989.
10. **\*\*Order of Appointment\*\***: On May 16, 1990, the court appointed Abdurahim as Regular Administratrix, finding her legally married to Jamiri Musa. An amended order on June 4, 1990, was issued to incorporate testimonies omitted earlier.

11. **Motion for Reconsideration and Dismissal**: On August 10, 1990, petitioners filed a motion for reconsideration and motion to dismiss, focusing on venue and jurisdiction.

12. **Denial of Motions**: The court denied these motions on August 22, 1990.

### ### Issues:

1. **Jurisdiction**: Whether the Shari'a District Court has jurisdiction over the estate of Jamiri Musa given the properties are located in provinces outside its territorial jurisdiction.

2. **Venue**: Whether the venue of the intestate probate proceedings should be in Maguindanao or Davao City.

3. **Validity of Marriage**: Whether Abdurahim was legally married to the decedent.

### ### Court's Decision:

1. **Jurisdiction**:

- The Supreme Court held that the Shari'a District Court has exclusive original jurisdiction over estates of deceased Muslims under Art. 143(b) of the Code of Muslim Personal Laws. Despite the decedent's properties being in different provinces, the Shari'a court's jurisdiction is not limited by territorial constraints for purposes of estate settlement of Muslims.

2. **Venue**:

- Although generally, intestate proceedings should be filed where the decedent resided (Rule 73 of the Rules of Court), the Court clarified this is a matter of venue, not jurisdiction. Venue was considered proper in the Shari'a District Court of Maguindanao as the decedent had residence there, satisfying the residence requirement.

- The Court emphasized avoiding multiplicity of suits and said the Shari'a District Court in Maguindanao would suffice for expedient estate settlement.

3. **Validity of Marriage**:

- The Shari'a District Court was the appropriate forum to ascertain Abdurahim's marital status with Jamiri Musa. The evidentiary support from the deeds of sale and absence of contrary evidence during the hearings sustained the court's decision.

### ### Doctrine:

1. **Exclusive Jurisdiction of Shari'a Courts**: The jurisdiction over estates of deceased Muslims lies exclusively with Shari'a District Courts, regardless of the location of the properties involved.

2. **Venue in Estate Proceedings**: Venue in such cases is more a matter of convenience

and not a jurisdictional component. The first court taking cognizance of an estate proceeding maintains jurisdiction.

3. **One Domicile, Multiple Residences**: A person may have multiple residences, which may influence the determination of appropriate venue but not jurisdiction.

### ### Class Notes:

- **Key Elements / Concepts**:

1. **Jurisdiction vs. Venue**: Distinction and relevance in probate proceedings.
2. **Exclusive Original Jurisdiction of Shari'a Courts**: Art. 143(b) of Code of Muslim Personal Laws.
3. **Residence in Probate**: Influences venue, not jurisdiction.

- **Relevant Statutes**:

- **Art. 143(b)**, Presidential Decree No. 1083 (Code of Muslim Personal Laws).
- **Rule 73**, Section 1 of the Rules of Court: Relevant to venue in estate proceedings.

### ### Historical Background:

This case arises within the context of the distinct legal framework for Muslim Filipinos under the Code of Muslim Personal Laws of the Philippines (P.D. No. 1083). This framework recognizes and upholds the unique cultural and legal traditions of Muslim communities in the Philippines, particularly in matters of personal and family law, including estate settlements. The broader historical backdrop includes the establishment of autonomous regions for Muslims in Mindanao and the integration of Shari'a law within the Philippine legal system. The case underscores the period's ongoing efforts to resolve jurisdictional overlaps and venue-related challenges in a multi-legal system.