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B. STATIONS

- Five special judicial districts, each to have one Shari'a District Court presided over by one Judge, are constituted as follows:

- 1.1. The First Shari'a District shall comprise the Province of Sulu;
- 1.2. The Second Shari'a District, the Province of Tawi-Tawi;
- 1.3. The Third Shari'a District, the Provinces of Basilan, Zamboanga del Norte and Zamboanga del Sur, and the Cities of Dipolog, Pagadian and Zamboanga;
- 1.4. The Fourth Shari'a District, the Provinces of Lanao del Norte and Lanao del Sur, and the Cities of Iligan and Marawi; and
- 1.5. The Fifth Shari'a District, the Provinces of Maguindanao, North Cotabato and Sultan Kudarat, and the City of Cotabato.[2]

- The Shari'a District Courts shall have their respective permanent stations in the following places:

- 2.1. First Shari'a District, Jolo, Sulu;
- 2.2. Second Shari'a District, Bongao, Tawi-Tawi;
- 2.3. Third Shari'a District, Zamboanga City;
- 2.4. Fourth Shari'a District, Marawi City;
- 2.5. Fifth Shari'a District, Cotabato City.[3]

- The Shari'a District Courts may hold sessions anywhere within their respective districts.[4]

C. JURISDICTION

- ORIGINAL JURISDICTION

1.1. Exclusive

The Shari'a District Courts shall have exclusive original jurisdiction over:

- 1.1.1. All cases involving custody, guardianship, legitimacy, paternity and filiation arising under the Code of Muslim Personal Laws of the Philippines (Pres. Decree No. 1083);
- 1.1.2. All cases involving disposition, distribution and settlement of the estate of deceased Muslims, probate of wills, issuance of letters of administration or appointment of administrators or executors regardless of the nature or the aggregate value of the property;
- 1.1.3. Petitions for the declaration of absence and death and for the cancellation or correction of entries in the Muslim Registries mentioned in Title VI of Book Two of the Code of Muslim Personal Laws of the Philippines;
- 1.1.4. All actions arising from customary contracts in which the parties are Muslims, if they have not specified

which law shall govern their relations; and

1.1.5. All petitions for mandamus, prohibition, injunction, certiorari, habeas corpus, and all other auxiliary writs and processes in aid of its appellate jurisdiction.[5]

1.2. Concurrent

Concurrently with existing civil courts, the Shari'a District Court shall have original jurisdiction over:

1.2.1. Petitions by Muslims for the constitution of a family home, change of name and commitment of an insane person to any asylum;

1.2.2. All other personal and real actions not mentioned in paragraph 1(d) of Article 143 (1.1.4. supra) wherein the parties involved are Muslims, except those for forcible entry and unlawful detainer which shall fall under the exclusive original jurisdiction of the Municipal Circuit Courts; and

1.2.3. All special civil actions for interpleader or declaratory relief wherein the parties are Muslims or the property involved belongs exclusively to Muslims.[6]

- APPELLATE JURISDICTION

2.1. The Shari'a District Courts shall have appellate jurisdiction over all cases tried in the Shari'a Circuit Courts within their territorial jurisdiction.[7]

2.2. The Shari'a District Courts shall decide every case appealed to it on the basis of the evidence and records transmitted as well as such memoranda, briefs or oral arguments as the parties may submit.[8]

D. CLERKS OF COURT AND OTHER PERSONNEL

- Shari'a District Courts shall have the same officers and other personnel as those provided by law for the Courts of First Instance (now Regional Trial Court).

- The pertinent provisions of the Judiciary Law regarding the number, qualifications, appointment, compensation, functions, duties and other matters relative to the personnel of the Courts of First Instance (now Regional Trial Court) shall apply to those of the Shari'a District Courts.[9]

B. STATIONS

- The Shari'a Circuit Courts shall be established as follows:

1.1. Six such courts in the Province of Sulu;

1.2. Eight in the Province of Tawi-Tawi;

1.3. Ten in and for the Provinces of Basilan, Zamboanga del Norte and Zamboanga del Sur, and the Cities of Dipolog, Pagadian, and Zamboanga;

1.4. Twelve in and for the Provinces of Lanao del Norte and Lanao del Sur and the Cities of Iligan and Marawi; and

1.5. Fifteen in and for the Provinces of Maguindanao, North Cotabato and Sultan Kudarat and the City of Cotabato.

- The territorial jurisdiction of each of the Shari'a Circuit Courts shall be fixed by the Supreme Court on the basis of geographical contiguity of the municipalities and cities concerned and their Muslim population.[10]

- The Shari'a Circuit Courts may hold sessions anywhere within their respective circuits, but each shall have a

principal station to be fixed by the Supreme Court.[11]

C. JURISDICTION

The Shari'a Circuit Courts shall have exclusive original jurisdiction over:

- All cases involving offenses defined and punished under the Code of Muslim Personal Laws of the Philippines.
- All civil actions and proceedings between parties who are Muslims or have been married in accordance with Article 13, involving disputes relating to:

- 2.1. Marriage;
- 2.2. Divorce recognized under the Code of Muslim Personal Laws of the Philippines;
- 2.3. Betrothal or breach of contract to marry;
- 2.4. Customary dower (mahr);
- 2.5. Disposition and distribution of property upon divorce;
- 2.6. Maintenance and support, and consolatory gifts (mut'a); and
- 2.7. Restitution of marital rights.

- All cases involving disputes relative to communal properties.[12]

D. CLERKS OF COURT AND OTHER PERSONNEL

Shari'a Circuit Court shall have the same officers and other personnel as those provided by law for Municipal Circuit Courts. The pertinent provisions of the Judiciary Law regarding the number, qualifications, appointment, compensation, functions, duties and other matters relative to the personnel of the Municipal Circuit Court shall apply to those of the Shari's Circuit Courts. [13]

SPECIAL RULES OF PROCEDURE

FOR SHARI'A COURTS

A. GENERAL PROCEDURE

- COMMENCEMENT OF ACTION (Da'Wa)

All actions and proceedings in the Shari'a Court shall be commenced by complaint which shall be prepared at least in triplicate by the plaintiff (mudda'i) or his counsel (wakil) or by the Clerk of Court.[14]

- COMPLAINT

The complaint shall contain:

- 2.1. The title of the case, the case number assigned to it, and the date of filing;
- 2.2. The name and address of the plaintiff and/or his counsel, and the name and address of the defendant (mudda' aala'i); and
- 2.3. A concrete statement of the cause of action and the relief prayed for.[15]

- SERVICE OF SUMMONS

Summons, together with the copy of the complaint, shall be served upon the defendant.[16]

- ANSWER

The defendant shall file an answer within ten (10) days from receipt of the summons either personally or by counsel, or with the assistance of the Clerk of Court.[17]

- FAILURE TO ANSWER

Should the defendant fail to answer the complaint within ten (10) days from service, the Court shall proceed to receive the evidence ex-parte upon which judgment shall be rendered.[18]

- PRE-TRIAL[19]

6.1. Not later than thirty (30) days after the answer is filed, the case shall be calendared for pre-trial. Should the parties fail to arrive at an amicable settlement (Sulh), the Court shall clarify and define the issues of the case which shall be set forth in a pre-trial order.

6.2. Within ten (10) days from receipt of such order, the parties or counsels shall forthwith submit to the Court the statement of witnesses (shuhud) and other evidence (bayyina) pertinent to the issues so clarified and defined, together with the memoranda setting forth the law and the facts relied upon by them.

6.3. Should the Court find, upon consideration of the pleadings, evidence and memoranda, that a judgment may be rendered without need of a formal hearing, the Court may do so within fifteen (15) days from the submission of the case for decision.

- HEARING OR TRIAL[20]

7.1. The plaintiff (mudda'i) has the burden of proof, and the taking of an oath (yamin) rests upon the defendant (mudda' aalai'). If the plaintiff has no evidence to prove his claim, the defendant shall take an oath and judgment shall be rendered in his favor by the Court. Should the defendant refuse to take an oath, the plaintiff shall affirm his claim under oath in which case judgment shall be rendered in his favor. Should the plaintiff refuse to affirm his claim under oath, the case shall be dismissed.

7.2. If the defendant admits the claim of the plaintiff, judgment shall be rendered in his favor by the Court without further receiving evidence.

7.3. If the defendant desires to offer defense, the party against whom judgment would be given on the pleadings and admissions made, if no evidence was submitted, shall have the burden to prove his case. The statements submitted by the parties at the pre-trial shall constitute the direct testimonies of the witnesses as basis for cross-examination.

- JUDGMENT[21]

8.1. The judgment shall be rendered within fifteen (15) days from the termination of the trial, or disposition of the case, should there be no formal trial or hearing.

8.2. The judgment shall become final and executory upon the expiration of the period to appeal. Once the judgment becomes final and executory, the Court motu proprio shall immediately issue the writ of execution for the satisfaction of the judgment.

- APPEAL

An appeal shall be made by filing notice of appeal addressed to the Court and by paying the docket fee within fifteen (15) days from receipt of judgment.9.1. Appeal to the Shari'a District Court

Within five (5) days from the perfection of the appeal, the Clerk of Court shall transmit the records to the appropriate appellate court.[23]

9.2. Appeal to the Supreme Court

Upon receipt of the original records, transcripts and exhibits, the Clerk of Court of the Shari'a District Court shall notify the parties of such fact.[24]

- LEGAL OPINION (Fatwa)

Before judgment is rendered, any court may seek the opinion (fatwa) of the jurisconsult of Islamic law created under the Code of Muslim Personal Laws on matters concerning difficult questions of Muslim Law and jurisprudence (fiqh).[25]

- PLEADINGS AND MOTIONS DISALLOWED

The Court shall not allow the filing of the following pleadings, petitions or motions, to wit:

- 11.1. Motion to dismiss or to quash;
- 11.2. Motion for bill of particulars;
- 11.3. Motion for extension of time to file pleadings or any other paper;
- 11.4. Motion to declare defendant in default;
- 11.5. Reply, third party complaint, or intervention;
- 11.6. Petition for certiorari, mandamus, or prohibition against any interlocutory order issued by the Court;
- 11.7. Petition for relief from judgment;
- 11.8. Motion for new trial or reopening of trial; and
- 11.9. Any dilatory motion for postponement.[26]

B. SUPPLEMENTAL PROCEEDINGS

- SUPPLEMENTARY RULE IN CIVIL CASES

The Shari'a Courts shall adhere to the sources of Muslim Law relating to the number, status, or quality of witness ('adala) and evidence required to prove any fact. Except as provided in the Special Rules for Shari'a Courts, the Rules of Court shall apply in a supplementary manner.[27]

- SUPPLEMENTARY RULE IN SPECIAL OFFENSES

Subject to Section 16 of the Special Rules for Shari'a Courts, all special cases or offenses cognizable by the Court may be filed in such form and heard in such manner as prescribed by the applicable laws and the Rules of Court. However, the Court may apply, in a supplementary manner, the principles of Muslim Law.[28]

C. ARBITRATION PROCEEDINGS

The Agama Arbitration Council, after its constitution pursuant to the provisions of the Code of Muslim Personal Laws, shall conduct the arbitration proceedings in accordance with the method it deems appropriate, taking into consideration the circumstances of the dispute, the conciliation of the parties, the interests of the children, if any,

and other third parties involved, and the need for a speedy settlement of the dispute. However, no arbitration proceedings shall take place ex parte.[29]

[2] Ibid., Art. 138.

[3] Ibid., Art. 147.

[4] Op. cit.

[5] Ibid., Art. 143.

[6] Op. cit.

[7] Ibid., Art. 144.

[8] Op. cit.

[9] Ibid., Art. 146.

[11] Ibid., Art. 150.

[12] Ibid., Art. 157.

[13] Ibid., Art. 156.

[14] Special Rules of Procedure for Shari'a Courts, Sec. 1.

[15] Ibid., Sec. 2.

[16] Ibid., Sec. 3.

[17] Ibid., Sec. 4.

[18] Ibid., Sec. 5.

[19] Ibid., Sec. 6.

[20] Ibid., Sec. 7.

[21] Special Rules of Procedure of Shari'a Courts, Sec. 8.

[22] Ibid., Sec. 9.

[23] Ibid., Sec. 10.

[24] Ibid., Sec. 11.

[25] Ibid., Sec. 12.

[26] Ibid., Sec. 13.

[27] Ibid., Sec. 16.

[28] Ibid., Sec. 17.

[29] Ibid., Sec. 18.

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