

**MANUELA U. VDA. DE MARAUG, FOR HERSELF AND IN HER
CAPACITY AS THE GUARDIAN AD LITEM OF THE MINOR, MERIAM U.
MARAUG, PETITIONER, VS. JUDGE ALEJANDRO C. SILAPAN, BRANCH
I, REGIONA...**

G.R. No. 64519. March 29, 1984

Ponente: AQUINO, J.

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AQUINO, J.:

This case is about the jurisdiction of a Shari'a District Court over Muslims residing in Davao.

Sadin Maraуг, a resident of Davao, filed with the Regional Trial Court of Davao, Tagum Branch I, an intestate proceeding for the settlement of the estates of the spouses, Sangtan Maraуг and Taraboka Maraуг (Spec. Proc. No. 188). He prayed that he be appointed administrator.

Manuela U. Vda. de Maraуг, the third wife of the deceased Sangtan Maraуг opposed the petition and prayed for her appointment as administratrix. She is the mother of Meriam, the only daughter of Sangtan.

Presiding Judge Alejandro C. Silapan *motu proprio* dismissed the proceeding in his order of May 16, 1983 on the ground that under article 143(1) (b) of Presidential Decree No. 1083, the Code of Muslim Personal Laws (effective February 4, 1977), the case falls within the exclusive original jurisdiction of a Shari'a District Court.

Manuela appealed to this Court under Republic Act No. 5440. Sadin Maraуг agrees with her that the Davao Regional Trial Court has jurisdiction over the proceeding.

We hold that the dismissal was erroneous. At present there are no existing Shari'a Courts. They have not been organized. Moreover, it would seem that Presidential Decree No. 1083 does not preclude Muslims from resorting to the remedies available in ordinary courts if they reside in provinces where there are no Shari'a Courts. No Shari'a Courts are to be established in Davao.

Articles 138 and 150 of the Code of Muslim Personal Laws establish Shari'a District and Circuit Courts only in (1) Sulu, (2) Tawi-Tawi, (3) Basilan, (4) Zamboanga del Norte, (5) Zamboanga del Sur, (6) Lanao del Norte, (7) Lanao del Sur, (8) Maguindanao, (9) North Cotabato and (10) Sultan Kudarat and in the cities of (1) Dipolog, (2) Pagadian, (3) Zamboanga, (4) Iligan and (5) Marawi. As already stated, the organization of Shari'a Courts has not been implemented.

WHEREFORE, the dismissal order is reversed and set aside. The lower court is directed to proceed with the intestate case. No costs.

SO ORDERED.

Makasiar, Acting C.J., Concepcion, Jr., Guerrero, Abad Santos, De Castro and Escolin, JJ., concur.

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