



Republic of the Philippines
Ministry of Natural Resources
Visayas Avenue, Diliman, Quezon City, Metro Manila

SPECIAL ORDER
NO. 103
Series of 1988

FEB 22 1988

SUBJECT: Reconstituting the Committee created under S.O. No. 42, series of 1981, to implement the decision of the Office of the President, dated August 20, 1957, in the case entitled "Teodulfo Toca, et al., vs. Heirs of Orval Hughes."

1. On August 20, 1957, the Office of the President rendered a decision in the case entitled "Teodulfo Toca, et al., vs. Heirs of Orval Hughes", whereby 399 hectares of the land in Malalag, Davao del Sur formerly leased to the late Orval Hughes was awarded to the 133 landless petitioners at three (3) hectares each and the remaining 317 hectares of the same land was awarded to the five (5) surviving heirs of Orval Hughes at 63.4 hectares each.

2. To implement the aforesaid decision, a Committee was created under Special Order No. 42, dated February 24, 1981 which accomplished the following:

- a. Screened the 133 petitioner-awardees;
- b. Relocated the boundary lines between the 5 parcels chosen by the heirs of Hughes and the 399 hectares awarded to the 133 petitioners;
- c. Conducted the parcellary subdivision of the 399 hectares into 133 lots of 3 hectares each lot with corresponding lot numbers; and
- d. Ruffled the lots participated in by the 133 petitioners.

3. The task of the Committee was discontinued in view of a restraining order issued on May 21, 1982, by the Court of Appeals in CA-G.R. No. 14269-SP entitled "Heirs of Orval Hughes, et al., vs. Hon. Pacita Canizares-Nye". This decision of the Court of Appeals, however, was reversed by the Supreme Court in its decision of November 12, 1987 in G.R. No. 62664 entitled "Minister of Natural Resources and Director of Lands, Petitioners, vs. Heirs of Orval Hughes, et al., Respondents."

4. In view thereof, and in order that the 133 awardees may now be finally placed in possession of their respective lots, the Committee created under S.O. No. 42, series of 1981 is hereby revived and reconstituted as follows:

Atty. Romulo A. Redula Chief, Litigation and Investigation Division Legal Service, DENR	Chairman
The PC Provincial Commander Davao del Sur (as previously authorized)	Member
The Provincial Fiscal Davao del Sur (as previously authorized)	Member
The Regional Executive Director or his duly authorized rep- resentative DENR, Region XI Davao City	Member
The District Land Officer Lands Management Bureau Digos, Davao del Sur	Member

The Committee shall have the following functions, duties and responsibilities:


- a. Maintain possession of the 399 hectares for the 133 petitioner-awardees;
- b. Ascertain the true identities of original petitioners and place them in possession of their respective lots;
- c. Lots assigned to deceased petitioners or petitioner whose whereabouts are unknown shall be awarded to the heirs upon proof of the latter's existence in accordance with the New Civil Code.

The Committee is authorized to administer oath, issue subpoena and subpoena duces tecum, summon parties and/or witnesses and take their testimony and secure the assistance of any official or employee of Bureaus/Offices under this Department and their facilities, if necessary, to accomplish its mission.

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The Committee shall submit to the Secretary of Environment and Natural Resources monthly progress reports and recommendations on the matter.

This Order shall take effect immediately and shall supersede all other orders inconsistent herewith.


FULGENCIO S. FACTORAN, JR.
Secretary

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