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9 May 2008

The Honorable Constantino Jaraula
Mayor, City Hall
Cagayan de Oro City

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RE: Protection and Preservation of Huluga

Dear Mayor Jaraula:

Our client, the HERITAGE CONSERVATION ADVOCATES (HCA) has availed of all channels of communication to get the attention of the City government regarding the sad state of Huluga. All such efforts, however, has been unheeded.

In August of 2007, a small amount of hope dawned on our client's members when you showed interest to help in the preservation of Huluga, unlike the previous administration. You asked our client, headed by its President, Dr. Erlinda M. Burton, to research on the status of the ownership of the Open Site and to report the same to you. They did have some reservation, because you could have ordered the city legal office -- with all its resources and connections -- to do the research. Nevertheless, the HCA proceeded to find and present to you the foregoing information:

It appeared from the records that the Original Certificate of Title No. 0-662¹ covering an area of 1, 055, 684 square meters was in the name of Josefina B. Vda. De Neri and her siblings. On 5 January 1981, the Director of Lands filed a civil case for Annulment of OCT No. 0662 and its reversion to the State. While the case was pending, portions of the same lot was subdivided and was awarded to several farmer beneficiaries by virtue of a Certificate of Land Ownership Award (CLOA), as can be gleaned from page 8 of the Certificate of Title hereto attached. The government through the Director of Lands won up to the Supreme Court in its final and executory decision dated 4 March 2004.² This results to the issuance of 124 Transfer Certificates of Title in the name of the Republic of the Philippines. Please refer to the attached CTC for the detailed Memorandum of Encumbrances with respect to the aforesaid land. Our client already did their part in the bargain. In the spirit of justice and fair play, it is their ardent prayer that now you will perform yours.

In the letter of Dr. Burton dated 6 November 2007, she conveyed to you

¹ Attached herewith as Annex "A" is the copy of the Original Certificate of Title and the subsequent encumbrances appertaining to the property.

² G.R. No. 139588, March 4, 2004 (REPUBLIC OF THE PHILIPPINES, represented by the DIRECTOR OF LANDS, petitioner, vs. JOSEFINA B. VDA. DE NERI, SPS. GRACIANO B. NERI, JR. and VICTORIA BABIERA, SPS. VICTORIA NERI and MARIO FERNANDEZ, RAMON NERI, SPS. TERESA NERI and ALBERTO YRASTORZA and the REGISTER OF DEEDS OF CAGAYAN DE ORO CITY, respondents.; a copy thereto is also attached as Annex "B")

their disappointment regarding the continuous quarrying in Huluga despite your promise to protect it. The HCA was armed with a certificate of deputization from the National Museum to act for and in behalf of the National Museum and to perform the following functions, *to wit*:

1. *Safeguard the interest of the government herein represented by the National Museum by reporting immediately the activities related to the excavation of archeological artifacts;*
2. *Verification of sites through written communication from the National Museum;*
3. *Honor claims (site findings) of first discoverer as first claimant;*
4. *Represent the National Museum on matters related to the archeological (underwater) sites.*
5. *Inform people re: Laws on Antiquities, viz. P.D. 374,*

Dr. Burton urged you to stop the quarrying; to instruct the city legal officer to file a case against the suspects; fence Obsidian Hill and other areas in Huluga in consultation with the HCA and to plant signs that prohibit extractive activities in Huluga and that warn of possible prosecution. But our client did not receive any written reply or call from your office.

As the city chief executive, the conservation, promotion and popularization of the nation's historical and cultural heritage and resources, as well as artistic creation is subject to your regulation.³ This is expressly provided by no less than our Constitution as well as special laws such as the "Cultural Properties Preservation and Protection Act", later amended by PD 374."

As shown by the CTC heretofore attached, it is clear that the site has already become a private property. As much as our client respects the ownership and the lawful possession of these CLOA awardees, they cannot, however allow a part of our heritage to be easily forsaken without putting up a fight.

It in this regard, our client strongly urge you again to perform the following, *to wit*:

1. *Expropriate the site where artifacts and fossils have been found, in the open site and the caves area.*
2. *Construct thereon a replica of the prehistoric village where all the found artifacts will be properly displayed. The lot owners, if they want to, may be trained by archaeologist Dr. Erlinda Burton in the management of this museum;*
3. *Enter into a Memorandum of Agreement with the HCA, Hon. Congressman Rufus Rodriguez, the Department of Agrarian Reform, and the landowners with respect to the preservation and development of the Huluga archaeological site.*
4. *Request the National Museum to form a committee to discuss the possibility of declaring Huluga an Important Cultural Property, as promised by Director Corazon S. Alvina in a letter to Dr. Burton.⁴*

If any of these suggestions appeal to you, please feel free to contact HCA President Dr. Erlinda M. Burton. She is also the Curator of Museo de Oro,

³ Article IV, Sec. 15 of the 1987 Philippine Constitution

⁴ Attached herewith is a copy of a letter from National Museum Director Corazon S. Alvina.

Xavier University Ateneo de Cagayan. You can contact her through her office phone line, 723116, local 2403 or cellular line 0917-3493-036. The undersigned will also be privileged to accept any communication from you regarding the matter.

We hope you give this matter your preferential attention.

Thank you very much.

Truly yours,

RAQUEL B. LIMBACO