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12-27-2017



21 DEC 2017

Republic of the Philippines  
**DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS**  
**OFFICE OF THE SECRETARY**  
Manila

**DEPARTMENT ORDER** )  
)  
No. 153 )  
**Series of 2017** )

**SUBJECT: POLICY ON THE PROCESSING OF  
RIGHT-OF-WAY (ROW) CLAIMS IN  
REGION XII**

In view of various criminal and administrative cases filed against incumbent and former DPWH officials, reports about syndicated right-of-way "scams" despite efforts at revalidation, reinvestigation, and prior audit, unresolved jurisdictional issues with the Autonomous Region in Muslim Mindanao, the need to ensure that ROW funds are properly utilized only for valid and legitimate ROW claims in light of Sections 4(g) and 11(b) of Republic Act No. 9485, otherwise known as the Anti-Red Tape Act of 2007, due diligence requirements under Presidential Decree 1445, otherwise known as the Government Auditing Code of the Philippines, the statutory requirement to guard against contracts and transactions which are manifestly and grossly disadvantageous to the government, and applicable jurisprudence such as the doctrine of non-estoppel, among other bases, **any payment of ROW claims in Region XII shall be made only upon judicial determination and after final and executory judgment.** This requirement shall also cover ROW claims for affected properties in the provinces of Maguindanao and Lanao del Sur, whether partially paid or not, and which claims happened to be filed with Region XII.

The requirement of judicial determination shall not in any manner preclude the Department from commencing *motu proprio* any legal action as necessary or appropriate, including changing the venue of the proceedings, appointing special counsel, or taking any other precautionary action in order to arrive at a proper disposition of ROW claims. Concerned officials of this Department are hereby directed to coordinate with the Office of the Solicitor General (OSG) for such purposes.

Nothing in this Order shall be construed to constrict the authority and power of the Secretary or any concerned official of this Department to resort to any and all judicial and administrative remedies available to him/her under the law or the Rules of Court.

This Order shall take effect immediately and shall amend any previous issuance to the contrary.

**MARK A. VILLAR**  
Secretary

Department of Public Works and Highways  
Office of the Secretary



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