

IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU
(Civil Jurisdiction)

Civil Case No. 21/2203 & Enforcement
Case No. 25/1958 SC/ENFC

BETWEEN: Vanuatu Agriculture Research and
Technical Center (VARTC)

Claimant

AND: Marie Loy, Cevu Vocor, Joseph Loy,
Philimon Loy, Salome Loy, Pauline Loy
representing Family (Daniel) Loy

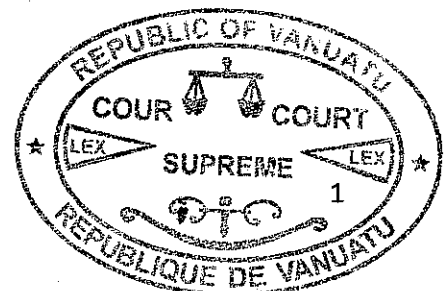
Defendants

AND: Republic of Vanuatu
Interested Party

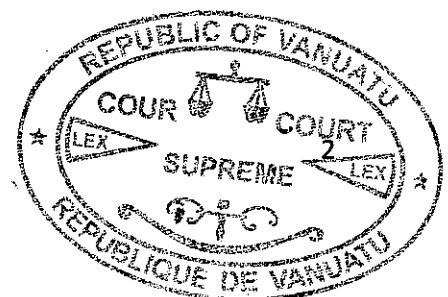
Date: 22 September 2025
Before: Justice V.M. Trief
Counsel: Claimant – Ms V. Muluane
Defendants – Mr J. Ngwele
Interested Party – Mr S. Aron

**DECISION AS TO CLAIMANT'S URGENT APPLICATION FOR AN ENFORCEMENT WARRANT
FOR DEBTS TO BE REDIRECTED**

1. On 8 July 2025, the Claimant Vanuatu Agriculture Research and Technical Center ('VARTC') filed Urgent Application for an Enforcement Warrant for Debts to be Redirected (the 'Application'), and Sworn statement of Breeanna Emelee of urgency and in support. An undertaking as to damages was filed on 14 July 2025. Proof of service by Marie Hellen Omry was filed on 22 July 2025.
2. The Application is made in relation to the debt owed by the Defendants Marie Loy, Cevu Vocor; Joseph Loy and Pauline Loy to VARTC by way of the Decision dated 6 April 2023 in Vanuatu Agriculture Research Technical College v Loy [2023] VUSC 26; Civil Case No. 2203 of 2021.



3. Consequently, those Defendants jointly and severally owe the VARTC the judgment sum of VT4,909,500 as well as VT500,000 general damages and VT1,000,000 punitive damages.
4. By the Application, VARTC is seeking orders that the Chief Registrar of the Supreme Court redirects compensation monies currently held in the Chief Registrar's Trust Account. Those compensation monies relate to a compulsory acquisition of land by the State. VARTC is seeking the redirection of those compensation monies to pay the debt owed by the Defendants. Alternatively, the VARTC seeks an order that when the Chief Registrar releases the compensation monies held in his Trust Account to the Administrator of the Estate of Daniel Loy, that the Administrator is to redirect the payment of debts in full and pay in priority the debts owed by the Defendants to the VARTC.
5. The Defendants have not filed any submissions in response to the Application.
6. However, on 25 July 2025, the Interested Party the State filed submissions and a Memorandum opposing the Application.
7. For the following reasons, the Application is **declined and dismissed**:
 - a. The Administrator of the Estate of Daniel Loy is Philemon Loy;
 - b. By judgment dated 4 February 2025 in the consolidated cases *Loy v Republic of Vanuatu* [2025] VUSC 89; CC 21/1393, CC 21/1631 and CC 21/1713, Justice Saksak ordered that the balance of the compensation monies under the Deed of Release dated 4 December 2020 were to be paid to Philemon Loy as the sole surviving administrator, to distribute and account for according to law;
 - c. On appeal in CAC 25/208, the Court of Appeal in its judgment dated 16 May 2025 in *Molbarav v Republic of Vanuatu* [2025] VUCA 17 agreed that the monies be paid as per Justice Saksak's judgment dated 4 February 2025;
 - d. Accordingly, the compensation monies may only be paid to Philemon Loy and he has a duty to distribute the monies according to law;
 - e. However, Philemon Loy is **not** a party to the present proceedings for the Court to make an Order binding him as to redirection of debts;
 - f. The question of who the compensation monies should be paid to being the subject of CC 21/1393, CC 21/1631 and CC 21/1713, any application for redirection of funds should be made in those proceedings; and
 - g. Finally, on 1 July 2025, Chief Justice Lunabek in *Livo v Republic of Vanuatu*; CC 25/1595 issued restraining orders against the State not to effect any payment of the compensation monies until further Order of the Court; and
 - h. Therefore, I conclude that no payment may be made at present from the compensation monies, but in any event, it is misconceived to seek an order for



redirection of the compensation monies in the present proceedings. Any such order should be sought in CC 21/1393, CC 21/1631 and CC 21/1713.

8. The costs of the Application are reserved.

**DATED at Port Vila this 22nd day of September, 2025
BY THE COURT**

VM Trief
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Justice Viran Molisa Trief

