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Tenorio Files Suit Against T.T.

SAIPAN - As a result of a preliminary hearing, TT Chief Justice Burnett informed both parties in a land survey bid lawsuit that he will soon issue a ruling on a possible preliminary injunction requested by Juan C. Tenorio Associates, Inc. of Saipan.

The preliminary hearing was conducted at the high court on Monday and Wednesday, June 17 and 19 concerning a complaint filed against the Trust Territory government by Juan C. Tenorio and Associates, Inc., a Saipan surveying company. The complaint is seeking to prevent from signing a contract with Asia Mapping Company, a foreign surveying team who also submitted bids for the contract to survey Micronesian Homestead and

public lands. Chief Justice Harold W. Burnett presided.

At the beginning of the first day session, the Defendant's Attorney Alan Nicholson raised a motion for dismissal. He based the motion upon allegation that the court has no jurisdiction. Nicholson cited Title 6, Section 252, Subsection 2 of the

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TT code which states that "any Claim based... upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of any agency or employee of the government, whether or not the discretion involved be abused" as the ground for dismissal. Judge Burnett denied the motion.

Tenorio and Associates represented by Jim Brooks of Guam and Associate Council Edward D.L.G. Pangelinan, contends that their bid was the lowest in price. However, the TT Lands and Surveys Division of the Department of Resources and Development states that Asia Mapping is the best and should be granted the proposed contract. The factors used in determining a contract award are the firm's responsibility, organization, technical qualifications, experience and the quality of its person-

nel, the Land and Survey officials testified. Asia Mapping Inc., Hawaii architects and Juan C. Tenorio and Associates are the three competing firms.

The case arises out of the return of public lands to Micronesian control by the U.S. There have been difficulties in some of the TT districts in determining exactly who owns certain lands. The survey project funded by a special U.S. government appropriation, is to determine the exact boundaries of the land parcels.

During the hearing, six individuals from both parties took the stand and testified. Juan C. Tenorio, the sole owner of the firm, Pete Tenorio, office manager and Jose Tenorio, project manager testified in the hearing. On the governments side, three land and survey officials also testified. They were Emmett Rice, K. Yamata and Don Mayol.

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