

CONSTITUTIONAL CONVENTION
of the
NORTHERN MARIANA ISLANDS
VERBATIM JOURNAL (TRANSCRIPT)

Forty-Second Day
Sunday, November 28, 1976

The Constitutional Convention of the Northern Mariana Islands reconvened while in the Committee of the Whole. The Committee was called to order at 9:00 a.m.

The Honorable Jesus Villagomez, Delegate, presided.

During Committee of the Whole, Delegate Luis Limes asked the Convention to recognize the presence in the gallery of Mr. Toyota, the gentleman whose father had started the Toyota Automobile Company in Japan.

The Convention reconvened in Plenary Session at 4:30 p.m.

The Honorable Lorenzo I. Guerrero, President, presided.

Delegate Jesus Villagomez: The Committee of the Whole has adopted Article XI, regarding "Public Lands," and Article XVII, regarding "Constitutional Amendments." I am happy to report that we have adopted these two articles with amendments. Therefore, I would like to move for the adoption of Article XI as amended.

The motion was seconded.

Delegate Benjamin Manglona: I have an amendment on Article XI, section 5(a) and I move for its adoption.

The motion was seconded.

Delegate Benjamin Manglona: On line seven of the amendment, I propose that the words, "residence on" be removed and the words, "use of" be inserted.

Delegate Pedro Dela Cruz: I would like to ask the mover, what is the difference between "residence on" and "use of".

Delegate Benjamin Manglona: Mr. President, according to yesterday's discussion there is a case in the Northern Islands where people there have been residing for quite sometime and they used it as a residence. The Committee decided that perhaps by having this provision here, it would enable those people to get a 100 x 100 or 200 x 200 lot - village lot, and this does not include agricultural land. I was informing the Committee yesterday, that in Rota we have a special case where people were told by the Naval Administration to occupy any public land for anticipated future homesteading program, but the southern area has not been opened up till now and we have about three or four people that have been using these lands continuously and the reason why we deleted "residence on" and use the words "use of" instead, is because we can enable these people to acquire these lands upon the effective date of this constitution.

Delegate Pedro Dela Cruz: Do I understand from Delegate Manglona that this is only for village lot and not agricultural?

Delegate Benjamin Manglona: Mr. President, the amendment I now have can apply to both agricultural or village, the old amendment refers only to village.

President Guerrero: Is that clear Delegate Dela Cruz?

Delegate Pedro Dela Cruz: No, not quite clear.

Delegate Torres: This use of public land, during a special committee hearing on Rota, they kept repeating the same question. I was informed that several people in Rota are now occupying government land in excess of the five hectares limitation as cited in the TT Code. Now, will this waiver permit those occupying government land in excess of five hectares to be entitled to ten or

fifteen hectares that they are now occupying - that they have been using for the past fifteen years?

Delegate Jose S. Borja: I think the answer to that is no - it only allows them for that under the Corporation's Policy. If the village homestead is 100 x 100, they get 100 x 100. If the farming homestead is 2 from 5 hectares, they only get 2 from 5 hectares. This is the intention of the Committee itself - not the whole piece of the area.

Delegate Torres: I am not satisfied - the Committee never contemplated on that. Residence was used and from the discussion last night, I was made to understand that this will be for the area that has been occupied for years. But, I know for a fact that some people on Rota are occupying government land in excess of 5 hectares. Will I be correct, that if we pass this, those people be permitted to continue to hold that land?

Delegate Benjamin Manglona: Yes, Mr. President. On Rota, many people are occupying government land for homesteading or grazing basis, but grazing is on a renewal basis every year and I know these people who are continuously using government land in excess of the anticipated 5 hectares for homestead. The particular case I was informing the committee is for the intention to homestead and these people have approximately 3, some 4 and I think the most 5 hectares because this public land is between private properties and even if these people would like to go beyond 3 or 4 hectares, they can't do that because the land is between private properties.

Delegate Torres: I will vote for this provided that the intention of the Convention is to comply with the restrictions imposed by the Trust Territory Code.

Delegate Magdalena Camacho: The amendment here seems to be very ambiguous. Lease of public land and residence on public land is very different. You could use the land for fifteen years. For fifteen years you could go in there and be using the land for fifteen years and you would be eligible for this one.

Delegate Jose S. Borja: Point of information. The point of information I would like to bring out is that this purpose only waives the requirement of getting a title but then, the Land Corporation can decide on what and how much piece of land could one get. This only waives the requirement for title. If you read the complete sentence, "No person shall receive title to a homestead for three years after the grant of a homestead or shall be able to transfer title to a homestead within ten years of receipt thereof, provided, however, that these requirements shall be waived for persons who have established a continuous residence use of public lands for at least fifteen years as of the effective date of this Constitution." That doesn't say that you are going to get in excess 5 hectares. This waives the requirement for homestead for getting your title. If the present law says you get 2.5 for agriculture, you get 2.5 and not the 5 hectares you have been using.

Delegate David Atalig: I am just wondering that since this is a one shot waiver, I wonder if this could be credit in the transitional provision of the Constitution instead of putting it in this section?

Delegate Benjamin Manglona: Mr. President, if we are to be concerned about those people who are residing in the Northern Islands and to be given a 100 x 100 or 200 x 200 village lot, I think we might as well amend this so that it can apply both for residential and agricultural so that those people who have occupied government land based on the past governmental commitment and have resided this long could perhaps benefited from this particular provision.

Delegate David Atalig: That did not answer my question, Mr. President. I am talking about the waiver and not residential or agricultural lots. As I stated earlier that this is a one-shot waiver, should't it be put in the transitional provision rather than putting it in this section?

Delegate David Maratita: There is a present law that establishes the homestead requirement for Pagan, but in this provision here this would make eligible all other people who are staying on the other islands north of Saipan. With this provision, I don't think it will be necessary to be provided in the transitional schedule.

Delegate David Atalig: I am sorry I didn't get the other portion of the question.

Delegate Maratita: I understand that part of the concern of the homestead requirement and that is by law, the people on Pagan are eligible to be given homestead. Those on the other islands, perhaps, we could also make them eligible other than those provided by law.

Delegate Calvo: I am however, skeptical of the words "use of", based on the fact that I know some people who have used government land and who have also a sizeable holding of other lands. I am very skeptical about this language because a person can hold 10, 15 or 20 hectares of lands somewhere else, but just because you prefer a piece of land which the government owns, and he has continuously used that land, you reconsider this pact of people eligible for this. I think Mr. President, we should take this on a case by case basis, as the Honorable Counsel has been continuously using - on a case by case basis because I do not see how the government, because a man continuously use a piece of government land and who has at the same time own a piece of land could be given this opportunity. Is that the intent?

Delegate Ramon Villagomez: The use of the term "use of" replacing the term "residence on" will not be entirely contrary to the intent of the Committee. The intent of the Committee is to look at those persons who have used government land for residential purposes, including people in the Northern Islands, Saipan and Rota. We want to give them the opportunity to be given homestead without the necessary requirements so that as soon as this becomes in effect, they will all have lands through homestead without going through the requirements. The Committee have no intention of allowing individuals who have big pastures and who have farms in addition to other land to be given this land. We feel that those people should be required to go through the homestead requirements in order to acquire land at large, agricultural properties, and so to say, use of public land would include all those individuals who have been using large government land for agricultural pasture and things like that and that is not the intent of the Committee, especially when they have other piece of land in addition to the government land they are using.

President Guerrero: Does that answer your question, Delegate Calvo?

Delegate Calvo: Yes, thank you.

Delegate Attao: My problem has been answered, but I have one question I would like to clear in my mind. Assume that I owned a property through homestead and if I sell my property and occupy government land, am I entitled to that property?

Delegate Ramon Villagomez: The intent of the Committee is to allow you homestead without going through the requirements. If you have already your homestead, it would stand to be assumed that you shouldn't be given another homestead and, therefore, in my interpretation, the Committee's intention will not allow you to keep that land because this is only to allow you a homestead without the requirements.

Delegate Manuel Tenorio: Point of information or clarification. I wanted to know if looking at the amendment at the same time amending the language that was passed out to us? Were there some differences here if you read the language that was typed up short minutes ago, on Article XI? There are some changes here. This amendment will classify the use of freehold. We are looking at the two papers, aren't we? I would like to pose a question to the consultant. The use of freehold phrase here, there is a mid-kind of departure from the use of the word title.

Mr. Willens: No, these are all style changes in the paragraph and the style changes will be applied. The amendments before you, in essence, is substituting the words "use of" to a "residence on", so regard that to the amendment, that is the issue, not the adoption of all the other language. The amendment being proposed is to substitute the word "use of" for "residence on" and that is the amendment that is in order and can be either way intergrated into the style changes.

Delegate Mafnas: I want to ask further on the question that was posed by

Delegate Attao: If I went to Rota and say I purchase 15 years ago, 5 hectares from a person from Rota and then at the same time I ask for an authorization from the government to occupy government land as Delegate Manglona explain to us. Bear in mind that I have 5 hectares and also at the same time occupied another 5 hectares of public land for the past fifteen years, will this provision entitle me to that additional 5 hectares?

Delegate Joe Borja: I will answer this way, provided you don't have any other homestead.

Delegate Mafnas: I submit Mr. President, that if this provision is passed, it will supersede the present law.

Delegate Magdalena Camacho: I would want to ask this question. If we adopt this, will Dr. Chong, who has been occupying that large area there be entitled to that portion?

President Guerrero: On that point of information, Dr. Chong has just been granted that lot -- house lot.

Delegate Ayuyu: I was going to bring forth what Delegate Mafnas pointed out before regarding a person who has a land of his own. That person can qualify under this provision and that defeats the purpose of homesteading program.

Delegate Benjamin Manglona: I would like to give information regarding the inquiry by Delegate Mafnas, that we have homesteading provision whereby those people who own land would not be entitled to be given a homestead lot. However, Mr. President, in addition to that, following the institution of this constitution, those people who have been residing in the southern portion of Talag Haya for the past 15 to 20 years, if the government is not ready to issue out the homestead to these individuals, I am pretty sure these individuals will not be considered to have a piece of land unless we insert this provision.

Delegate Ramon Villagomez: If we adopt the language "use of" then any person who has been occupying land and using it for whatever, will be entitled to earn that land through homestead without the requirements. But people use the word "residence on" that would limit the giving of homestead automatically to only those persons who have been using the land for residential purpose only, so that if they have been given the land, that would be their home and would be entitled to that lot.

Floor Leader Rasa: You mentioned Delegate Villagomez that only those who have been using such land for residential purposes, do I understand that that should also mean that even though a person is not residing there, but is farming on the land, would be given the right to own the land?

Delegate Ramon Villagomez: If we adopt the words "use of" the answer is yes. If we adopt the word "residence", no.

Delegate Magdalena Camacho: Point of clarification. Do I take it to mean that this waiver would have to go to the homesteading program again? They are being waived over here, and according to Delegate Jose Borja, he has been arguing that if you have been using this land you would have to go through the Land Corporation Homesteading Program.

Delegate Jose Borja: If you applied for a homestead and you are using a public land, that particular public land in a matter will be waived of the 3 and 10 requirement - that is the purpose of this, to waive the 3 and 10 years. Then, the Land Corporation would issue you the title to that public land - that's the intention of the Committee.

Mr. Willens: I agree with Delegate Borja, provided that this special opportunity for people who have used or lived on lands for fifteen years is limited to the requirements in the prior part of that caption namely the limitations on receiving title in three years and the inability to transfer the land for ten years, but the amount of land a person can get is still governed by the land programs established by the legislature. And so this permits a person who have

used the land for fifteen years to get title immediately if he qualifies for it under the homestead program and facilities, without the limited ten year restriction in this section. But the amount of land he could get under the homestead program is up to the legislature to grant him. That's the way I understand the language and I believe that is the intention of the Committee.

Delegate Jose Borja: Mr. President, you can't own that land unless you have the title, therefore, the Corporation will give you the title. Then the Corporation will waive the 3 and 10 years, if you have used the land for fifteen years. You have to get the title before you could even use the land, then the Corporation will give you the title under this 15 years requirement.

Floor Leader Rasa: I am beginning to be confused now. Under the present system, you don't have to have the title in order to own the land. If a certification of compliance has been issued then you are legally entitled to that land.

Delegate Ramon Villagomez: Under the present system, if you have satisfied the compliance, you are entitled to the land - you have what is called equitable interest land, in other words, it means it belongs to you, but you don't have the title to it. And the law does not allow you to sell it when you get the title, but you are entitled to the land, and they can't refuse to give it to you, the government can't take it from you, but you can't transfer or sell it until you get the title from the government.

Floor Leader Rasa: In order to bring a more comprehensive example, like Juan Norita. Juan Norita took this case to court and St. Pierre represented him. The decision was that after the issuance of the certificate of compliance, Mr. Norita could either sell or do anything with the land - he already sold the land without the title.

Delegate Ramon Villagomez: There are also cases on the contrary, and the homestead law prohibits the sale of land before you get the title. So the point is that, a person who has been living on the land for fifteen years, once the constitution becomes effective, he is entitled to that land without going through any requirements and he can sell it as soon as he receives the title.

Delegate Olympio T. Borja: I would like to say that a person went into the land and work on it for more than fifteen years, that person can decide whether to exchange it, but when he exchanged it, he is not satisfied with the exchange because he got only less than half of the portion exchanged, and so he continued to stay on the area and the government still allow him without permit, homestead or anything; and let say if that accumulates fifteen years upon ratification or effective date, could that person who is on that public domain already, say he exchanged it, previously it was a private and then by mere fact it was dead, the waiver of this homestead and so forth, the title to be given to him after fifteen, do I consider that he holds this category also? That is my understanding, but I would like clarification from the consultant that we are not only talking about the homesteading, that people have been given no title yet. This to my understanding is, even to Pagan that has been declared homesteading there, and that people have been residing over there, some of them on 20 hectares, but let's confine to 5 hectares for agricultural, my understanding is that yes those are eligible under this one if they have been using, occupying for over fifteen years when this becomes effective. What about those people that have been persistently willing to stay and not really going at the homesteading but because of the satisfaction, could this be called within this category too?

Mr. Willens: The people there have lived for fifteen years, there is no problem, but if they are living on public land, they qualify under this section. The waiver of this particular restriction is stated in the second sentence here.

Delegate Olympio T. Borja: In other words, it could be broader than what we really have in mind like in Rota or Pagan, but could be broader if people by revenge want to stay there and the government has not taken any action to evict or throw out the user of the land, after fifteen years from that time automatically can get the title on that because of the waiver requirements here.

Debate on
Article XI -
Public Lands

Mr. Willens: Yes, of course, the land involved has to be covered by the homestead program was meant to be defined what lands or what met the requirements to the homestead program. Is it possible that the person we are talking might be living on lands that are not available for homesteading - is that a possibility?

Delegate Olympio T. Borja: That is precisely the first thinking I have - not available for homesteading, has not been declared and as a result the guy has been there for fifteen to twenty years already and the government has no objection to it.

Mr. Willens: I think there is some ambiguity here, but that the legislature and the Land Corporation might be able to decide if that particular land is not available for homesteading. I prefer if the members of the Committee will discuss that particular problem or not. I certainly think the legislature retains certain control over the homestead programs and what lands are available.

Delegate Olympio T. Borja: Mr. Consultant, you are right, but at the same time I think the transitional provision is more supreme than what the legislature can do, so again this could be argued back and forth that he is entitled to public domain - we are talking about public land.

Delegate Pedro Igitol: I just would like to question that if a person who lease the land from the government for at least fifteen years, is he eligible under this proposed amendment to own the land?

(Several Delegates answered no.)

Delegate Igitol: How about squatters? People who moved on the land without any other need?

Delegate Palacios: The Committee's intention is that there are many people who have been on the homestead and were told to go in there and used it, but they never get any papers or provision. So they went in there and used it for fifteen years and until now they haven't been given the papers of acquiring that land to its title. This was the primary area of our intention. We never remembered that people who went in there on their own and/or for other reasons without permission from the government, be included in this provision. The constitutional history will show that.

Delegate Igitol: If a person moved into an area and used it for let's say, twenty years, how can the government prove that this person didn't get a verbal authorization?

Delegate Jose Borja: The thing we are talking about here is that if a person is applying for a homestead and he has been using public land, from records, it will show that he doesn't have any homestead from the very beginning. This will entitle him for the waiver for that three, or ten years, in other words, he gets it automatically, the use of land without waiting for the three or ten years period - he gets the title for that land. If he doesn't own any land or any homestead from the beginning, he would own the land even though he went in there, like what happen in Pagan.

Delegate Maratita: I would like to pose a question here regarding the proposed amendment - is that the continuous use of public land? There is a case on Rota where people usually go up to the sabanas as farmers, and they continuously use that portion of land up there. Now under this provision, I hope this is not the intent, but according to this, continuous use of land, and every year they used it for the past fifteen to twenty years.

Delegate Benjamin Manglona: I can respond to that question. In regard to the sabana land, people usually use that for about six months a year just for farming, but they do not particularly stay in one particular area, they go in scattered areas each time they farmed, so I don't think this apply to this provision.

Delegate Palacios: Delegate Maratita's question was not covered by this provision. Remember I said that the Committee's intention is for those people who went in for homestead. Questions of Delegate Igitol. I want to prove that if

a person had submitted a request for homestead and you can't find his request in the records at the Land and Claim Office, and then he occupied the land, then you can take his word that they have submitted a request and they went in and occupied the land because they have not been used of as in this provision. But there is a way of finding these things out.

Delegate Juan S. Demapan: If I am in order, I would like to propose an amendment, the number of years from 15 to 20 years, because I think that will be wiser.

Delegate King: I would like to pose a question to Delegate Joe Borja. You stated that this provision entitle you if there is no record that you own a private land. Suppose I have been staying on the land for fifteen years, and I didn't get any title, before **that**, I bought a land, private land, and change the name and put yours on that title -- the transfer papers.

Delegate Jose S. Borja: I am sorry, I don't get you - changing names?

Delegate King: You have the title, and then they changed the name, and put your name on that title like you own that land, when this constitution becomes effective, will the government prohibit you to get that land that you have been occupying for fifteen years?

Delegate Jose S. Borja: Did you say you got the title already? If you get the title on this public land, from this provision you are using another piece of land, you won't get the title.

Delegate Olympio T. Borja: The question is, you have bought private land and maybe you have 10 hectares of public domain. Whether or not you could earn title to that public domain, if that private land is not a public domain, I don't see any reason why you can't own that public domain after 15 continuous years of using it as stated in the requirements. The main thing here is, right now our government policy is only a policy that if you own land, you are in the low priority but that does not preclude your reality. Every person who is 18 years and above is entitled to homesteading, village or agricultural. It is only a matter of providing priority - a, b, c, but if you don't have anything then you are one of those persons who are eligible, but as far as your right to homesteading and so forth, that does not take your rights from you. Does that answer your question?

Floor Leader Rasa: I move for the previous question.

The motion was seconded and carried.

The motion to adopt amendment No. 88 regarding Article XI, section 5(a) carried by roll call vote. The votes were as follows:

YES: Delegates Attao, Benavente, Jose S. Borja, Olympio T. Borja, Castro, Fitial, Lorenzo I. Guerrero, King, Limes, B. Manglona, P. Manglona, V. Manglona, Ogo, Palacios, Rasa, and Talsakan. (16 votes)

NO: Delegates D. Atalig, P. Atalig, Ayuyu, M. Camacho, Dela Cruz, Juan S. Demapan, Maratita, J. Tenorio, M. Tenorio, Torres, J. Villagomez, and R. Villagomez. (12 votes)

ABSTAIN: Delegates Calvo and Igitol. (2 votes)

(As per the earlier ruling of President Guerrero, the abstention votes were counted on the prevailing side, making the final vote 18 affirmative and 12 negative votes.)

Floor Leader Rasa: It is very obvious that the number of people voting for the amendment is inadequate for passage of the 3/4 requirement, and if there is no objection, I would like first if there is no further amendment on the other sections that we adopt all the other sections on Article XI with the exception of section 5. I therefore move for the adoption of Article XI, as amended.

The motion was seconded.

Delegate Jesus Villagomez: Mr. President, I would like to be clarified - is the main motion to include the changes for style?

Floor Leader Rasa: Yes, it does.

Delegate Mafnas: Article XI, as amended?

Delegate Olympio T. Borja: Point of clarification. The changes from amendment No. 88 is the change of the terms "residence on" to the terms "use of", but the rest remains as to the recommendations by the consultants.

Floor Leader Rasa: The motion is to adopt Article XI, in its entirety, as amended.

The motion was seconded.

Delegate Mafnas: If there is no objection from the floor, may I please ask my question so that I can participate in the voting? If the homestead law states that you can only own five hectares and then you occupy public land for fifteen years, let's say ten hectares, if we pass this amendment, will this amendment supersede homestead law, there, I would be entitled to not five hectares, but ten hectares?

Delegate Palacios: The intention of the Committee's passage of this is that, you are applying for ten hectares, but you won't get ten hectares, you will get five hectares, according to the homestead law.

Delegate Mafnas: Homestead law? But this is a supreme law.

Delegate Palacios: Yes, but you must understand that the supreme law has its own intentions and you can't interpret it the way anyone would like to interpret it, so the constitutional history would show that this means that if you are occupying ten hectares, you will only get five hectares, according to the intention of this provision.

Delegate Mafnas: Thank you Delegate Palacios, now I can vote intelligently.

Mr. Willens: I agree with Delegate Palacios. It is certainly my understanding of the language in this subsection of 5(a) that the legislature decides whether to have a homestead program and if so, what its terms are. This provision comes into play only if there is a homestead program and if certain rights the people who have used lands, public lands, for fifteen years, that is my understanding of the language of this subsection and this will be further amplified in the section-by-section analysis.

Delegate David M. Atalig: Point of privilege. I am voting "no" on this merely because of amendment No. 88.

Motion to adopt Article XI, as amended, including the changes for style, carried by roll call vote. The votes were as follows:

YES:	Delegates Attao, Benavente, J. Borja, O. T. Borja, Castro, Dela Cruz, Fitial, L. Guerrero, King, Limes, Mafnas, B. Manglona, P. Manglona, V. Manglona, Maratita, Palacios, Rasa, Talsacan, J. Tenorio, J. Villagomez, and R. Villagomez. (21 votes)
NO:	Delegates D. Atalig, P. Atalig, Ayuyu, M. Camacho, and J. S. Damapan. (5 votes)
ABSTAIN:	Delegates Caivo, Igitol, Ogo, M. Tenorio and Torres. (5 votes)

(As per the earlier ruling of President Guerrero, the abstention votes were counted on the prevailing side, making the final vote 25 affirmative and 5 negative votes.)

Delegate J. Villagomez: I move to adopt Article XVIII, as amended, including changes for style, clarity and consistency, as recommended by the consultants.

The motion was seconded.

Delegate Benjamin Manglona: I move to amend Article XVIII, section 3. The amendment is to delete the words "present and voting" and to read section 3 as follows:

"The legislature by an affirmative vote of three-fourths of the members of each house present and voting may propose amendments to this Constitution."

Delegate R. Villagomez: I think this a very minor change and it doesn't really affect the essence of this amendment, therefore, I move to end debate.

The motion was seconded and carried by voice vote.

The motion to adopt proposed amendment No. 89 carried by roll call vote. They were as follows:

YES: Delegates D. M. Atalig, P. M. Atalig, Attao, Ayuyu, Benavente, J. S. Borja, Calvo, Castro, Dela Cruz, J. S. Demapan, L. Guerrero, Igitol, King, Mafnas, B. Manglona, P. Manglona, V. Manglona, Maratita, Ogo, Palacios, Taisakan, M. Tenorio, Torres, and J. Villagomez. (24 votes)

NO: Delegates J. Tenorio and R. Villagomez (2 votes)

ABSTAIN: Delegates O. T. Borja, M. Camacho, Fitial, Limes and Rasa. (5 votes)

(As per earlier ruling by President Guerrero, the abstention votes were counted on the prevailing side, making the final vote 29 affirmative and 2 negative votes.)

Delegate D. M. Atalig: Mr. President, I have an amendment to offer, amendment No. 90, propose for Article XVIII, section 2(d) to add a sentence after the word "basis" as follows:

"...and a political party may not endorse any candidate for delegate."

The motion was seconded.

Floor Leader Rasa: Mr. President, there are things in light that we cannot escape and there are those things that even though we have a provision in here will not be actually followed. The amendment is requiring a political party not to endorse a candidate. This convention has no business to tell a party who to support, and if this amendment is passed, it will not be followed by the people, because even though they say they will not support, how could we enforce the commitment? We all know that we belong to different political parties and to have an election on a nonpartisan basis is not being frank because the realities of politics speak to the contrary. We have tried to elect on a nonpartisan basis, but it never happen that way, and this will continue to happen because the political party is a political organization and a part of the community. Peoples attachment to the political party is stronger than the constitution and you better believe this. I don't know what this amendment would do, but everybody would want to see a fair, impartial type of election where no person should be endorsed by a political party. Perhaps the political party would be restricted to say I am supporting this, but you go behind the house of Tan Marian Baltazar and they will be campaigning. Let's not try to kid ourselves by providing this unrealistic provision.

Delegate Mafnas: I have two questions to ask Delegate Atalig. What prompted you to pose this proposal?

Delegate D. M. Atalig: One of my primary reasons for introducing this amendment is to ensure that the people of quality, who perhaps, are not good politicians may have a chance to be elected by not being endorsed by a political party. I understand how strong political endorsements are, and we have candidates who are interested to run and they are very qualified, but because they play a different view from a political party, they are not endorsed, and this is to prevent political party from selecting candidates. Also I see here in this Convention, lots of politicking. Mr. President, I was disturbed to see lots of provisions being passed here because of political reasons. We are forgetting that we are

passing this provisions for the future, for our people and it seems to me that a number of provisions are being passed for political reasons.

Delegate Mafnas: Delegate Atalig, how do you intend to enforce this unbelievable proposal?

Delegate D. M. Atalig: How the enforcement of this proposed amendment would be, I am not so sure, but I would like to see it a part of the Constitution, this provision to prevent political parties from endorsing a candidate, as practiced during the past constitutional election, where the political parties officially endorsed the candidates, and actually as I see it, the candidates are running on political basis, not as a candidate. Individual basis, the candidates are coming out with individual platform and I feel that for a delegate to be open-minded in the Constitutional Convention, we should free these candidates from political pressure. I hope that you fellow delegates really consider this and let each candidate run on his merit.

Delegate Mafnas: Last question. If the political party goes out and campaign for this individual, would that political party be subject to arrest?

Mr. Willens: I guess if I could answer that question, with the language that is presently in the subsection, the delegate must be elected on a nonpartisan basis, and if a party were, or as a candidate, seek the endorsement of a party and were to run, he would be ineligible. I agree with the question suggesting some difficulty in enforcing the proposed amendment, that certainly is true, but there are ways to enforce the provision at the present extent, which requires a delegate to be elected on a nonpartisan basis. If a delegate seeks the endorsement, seeks money from a political party, that delegate would forfeited his right to sit in any constitutional convention. The details would have to be spelled out I expect by law since the constitution is not self-enforcing and either it would have to be provided by law or a judicial action could be instituted to challenge the election.

Delegate Mafnas: I based my question on the last sentence, "...and a political party may not endorsed" - I was not referring to a candidate seeking an endorsement of a political party, I am talking about a political party endorsing a candidate. If that happens, will this political party be subject to arrest?

Mr. Willens: It is difficult to arrest a political party, although it could be tried. Of course, the jail is big enough. The sanction would be to disqualify the delegate so that if he got elected, he would not get a seat in the Convention. That would be a way to enforce the proposal that has been advanced by Delegate Atalig. There are ways to enforce this proposal although they are difficult and they raise numerous political and other kinds of questions.

Delegate Dela Cruz: I admire Delegate Atalig's intention, but however, this is the result of the last election that we are elected here. The law stipulates that we are elected on a nonpartisan basis, but however, that did not stopped the people from getting together and back us up. Secondly, no matter where you go, even the Church recognize politics. It is a matter that does not require constitutional provision.

Delegate Calvo: I do not support this on the basis that I think we can place a better language. I do not intend to run without the backing up of a political party of some kind or anything. The language may say, it may not campaigned, but that we leave it up to the legislature to draft. We may not campaigned under a political banner, or so forth like that, but to go and campaign on a house to house basis is over impractical here in Saipan, even on Rota and/or Tinian, but I can't force a political candidate running or making it without a political party endorsement. I am against this amendment.

Delegate Ramon Villagomez: Without having to argue too much on the problem of enforcing this law and other matters, in my opinion, and I am brave to go to court if necessary this proposed amendment will be contrary to amendment No. 1 of the U. S. Constitution and Article I, section 2 of our Constitution, which gives the people the right to assemble and the right to organize for a participating purpose. We cannot stopped a group of people running for whatever office is legal from getting together and getting supporters. I don't think this will pursue - I think it will be unconstitutional.

Delegate Ftial: I rise in support of this Constitution, but not in support of

this amendment. For this Constitution, I do not like to see garbage in it, therefore, I move for the previous question.

The motion was seconded.

Delegate Palacios: I support the idea of this amendment, but if you will read it, it says, "elected on a nonpartisan basis". It duplicates the rest of the section.

Secretary Atalig: Mr. President, as I said before, and I say it again, politics prevails on this Convention floor. I see it on the proposals that came in, I see it in the voting pattern from the very first day when the Territorials were grouped on one side and the Populars on the other side. Later on, it was broken, and Rota and Tinian got together and then the Saipan Territorials and Populars went the other way. Now, I support this amendment regarding election on a nonpartisan basis and without party endorsement. First of all, I may be cheap, but I'd like to reduce my campaigning costs. From the very beginning of this Convention, the parties grouped together, the different political parties to decide who is going to be our president, who is going to be our vice-president, who is going to be the chairman, and so forth. I don't like this kind of politics.

Delegate Benjamin Manglona: I oppose this amendment 100%. I think anyone who does not want to belong to anyone of the political party may run on an independent ticket by himself, and nothing can prevent a candidate from running by himself without having the party endorse him, but I think to prohibit a person from being endorsed by a political party, I don't want to see this a part of this constitution. Anyone who wish to become a candidate and don't want to spend money for campaigning can run and expect to win for one vote.

Delegate Maratita: I think the words "delegate to the convention should be elected on a nonpartisan basis" would suffice this requirement. It would be redundant just to add "and a political party may not endorse any candidate for delegate". Now, endorsement in an election, in the first sentence there would suffice because there will be no indication of a party on the candidate. I am sure that what Delegate Atalig meant here is during campaign, and during campaigning, I don't think we can disregard the fact that we have to get some backing in one form or another, either on an individual basis with a group or as a party, and so I don't think this proposed amendment here would serve its purpose.

Delegate Olympio T. Borja: I share the expression made by Delegate Maratita that this matter is redundant. Nonpartisan basis itself already is -- actually not to be endorsed by anything to any party. To give further information to the Delegates here, even the legislature when they made up the ConCon law, we specifically provided that no such nomination or papers should contain any reference to or designate any political party and the ballots used speculates that it should not contain any reference to or designate any political party while in the position of a candidate. But the intent of the mover of this amendment here is to really have the political parties out, in terms of supporting or out campaigning, that is unavoidable and that is against my rights - I like to see people in groups supporting even on a nonpolitical basis. On the basis of this Mr. President, I think nonpartisan basis would take care and we go ahead and dispose this matter.

Delegate David Atalig: Mr. President, when I introduced this matter, I had a very strong feeling that this would be defeated because of the reason that most of the Delegates here are politicians.

(Someone moved for the previous question and was seconded and carried).

Delegate Juan P. Tenorio: What are we voting on?

President Guerrero: Article XVIII.

Delegate Juan P. Tenorio: Can I still be afforded another chance to discuss a certain provision here? I don't want to accuse anybody Mr. President, but I believe that Delegate Villagomez mentioned there is no substantial change, it is just a matter of opinion, and my own opinion is, unfortunately, the motion went too fast there is need for substantial change to section 3, as amended by

amendment No. 89. I would like to make further amendment to this, that since the 3/4 of the members now, instead of those present and voting, I would like to make an amendment to strike out "3/4" and put "2/3".

The motion was seconded.

President Guerrero: I would like to get some direction from the Convention. Is it the consensus of the Convention to entertain that motion?

Delegate Benjamin Manglona: Objection.

Delegate Juan P. Tenorio: What procedure is necessary for me to take in order for me to recall this back?

Delegate Jesus Villagomez: Point of information. A deletion actually on a change in here is very minor and I am puzzled as to what procedure to take. Why not vote now?

Delegate Benjamin Manglona: I have a very strong opposition to the proposed amendment since this is going to be a constitutional amendment, I think it has to require 3/4 of the legislature. Remember that we are dealing with the constitution and it makes it very clear in our hearts that this Convention recognize that in some of the provision they give us protection. By having this 2/3, that will mean to soften the passage or rather, enable the passage of the Constitutional Convention so that it may perhaps take away some of the provisions given to the two islands, like Rota and Tinian for example.

Delegate Juan P. Tenorio: Article V of the U.S. Constitution provides that 2/3 of the House, and I am basing myself on that and I believe that can work. I ask the indulgence of the Convention to think about this change, and ask for a few minutes recess for consideration.

Floor Leader Rasa: I don't think we should be discussing this at this point, but I think Delegate Tenorio is right. It is his desire to submit an amendment, however, if we just look at this briefly, the 3/4 requirement is at least 7 members of the Upper House. In the Lower House, it will depend on the number of members that we allocate to the Municipality of Saipan. Assuming that we allocate 12, the minimum, that will give 13 or 14, so 3/4 of 14 will give us about 10, Rota and Tinian could boycott, because in the proposed amendment, they don't have to be present. In the original language, "only members present and voting" but there will be a procedure to establish a quorum in the legislature - so this will not pose any problem.

The Chair declared a short recess, to entertain the concern of Delegate Juan P. Tenorio.

The Convention recessed at 6:04 p.m.

R E C E S S

The Convention reconvened at 6:11 p.m.

Delegate Juan P. Tenorio: My conscience will not permit me to agree, Mr. President. I think my intention here is being misconstrued. My intention here is to safeguard the people - that we are only human, we are drafting up a constitution, which in essence, is not perfect, because of the very nature that the drafters are human and any provision in here which may possibly strangled us in the future, will continue to strangle us and it is hard to make the corrected remedy because to do so is next to impossible in the people. If one, just one, is leaving up in cloud 9 and two constituting the majority or at least 85% of the population is down here suffering, they will continue to suffer if they do not get out of their senses from cloud 13 to come down and help their fellow people. This is the intention here.

Delegate Benigno Filial: I share the same opinion as Delegate Juan P. Tenorio. The section as amended allows any one senatorial district to boycott or prevent constitutional amendments to be considered in the Upper House. Is this what we want?

Delegate Benjamin Manglona: No, definitely there will be no boycott. I think there will be rules of procedure for the legislature and it should be written in such, that no one municipality should boycott any meeting, and that is the provision of the present rules of procedure for the legislature.

Delegate Fitial: There may be rules of procedure established by the legislature. As a mere fact that we have already provided for an arrangement of legislative initiative that would require 3/4 of the members - total members of the Senate, this means Mr. President and fellow Delegates, even if we have rules, the legislature establishes rules. If the Senators or any electoral district decides not to come to the legislature because they don't particularly consent to a provision for constitutional amendment, this bars the process, legislative initiative. I think the committee has to come up with a very sound arrangement and we should not -- just as one of the Delegates here pointed out his concern about voters -- registered voters, subject those people who are concern to those apathetic individuals who don't give a darn of what is going on. The same principle applies here, if one delegation does not want to participate, this should not subject the other delegations. Let's consider this carefully.

Delegate Jesus Villagomez: Point of information, Mr. President. Where do we stand regarding this 3/4 motion? Prior to being recessed, we had a motion to change the 3/4 to 2/3, is that still in order?

President Guerrero: We have to suspend Rule 47 if we have an amendment to be offered at this time. That is what I have been trying to clear with Delegate Juan Tenorio.

Delegate Juan Tenorio: I move to suspend Rule 47.

The motion was seconded.

Delegate Benjamin Manglona: Objection.

Delegate Ramon Villagomez: Mr. President, the record will show that I am the only person from Saipan who voted against the amendment that was submitted by Delegate Benjamin Manglona, and also Mr. Tenorio and my voting against this article, my signature of being absent from this Constitution will support the reason that I am against that amendment. That amendment makes it impossible for one municipality to prevent a constitutional amendment as provided under section 3. We cannot prevent small minorities from controlling the entire Commonwealth. I would also not signed the constitution and I will not vote for this article because of that - what is showing in section 5(b) and in many other sections of this Constitution. We are drafting a constitution, as said by Delegate Calvo, for the Commonwealth of the Northern Marianas. It is understandable that they will want to have participation and controlled and we can accommodate that, or we cannot accommodate that by giving them so much in the extent of the function of our government and in the interest of the majority of our people. I will not vote on this or sign the Constitution if by procedure, you are going to prevent us from doing a constitution that will work. I want a constitution that will create a government that will work and a government that we can afford. If in my opinion, the Constitution that we draft will not work or we cannot afford, I will not sign it.

Floor Leader Rasa: Mr. President, the amendment deleted the words "present and voting". If we go back to the original proposal, would this be acceptable to those opposing it?

Delegate Juan P. Tenorio: Yes, there is a substantial difference. From the way it was originally written, the original those "present and voting" - even with one municipality boycotting, that can still be effectively carried out.

Delegate Jesus Villagomez: What we just did here, by deleting "present and voting" is that if the legislature provides for a quorum, that quorum is not applicable in this case, that you have to have all the members in there, to participate at 3/4 of all the members. So whenever there is a quorum, that quorum is filled by this provision that we have just adopted. I am asking the indulgence and cooperation of everybody here to give us the chance to reconsider at this time.

Delegate Juan P. Tenorio: By amending 3/4 as I have previously tried to, to 2/3, that can essentially accommodate the original version. I share Delegate Ramon Villagomez's sentiment on this one, and like I say, I can't possibly change my position because I have a conscience to deal with for the things I like.

Floor Leader Rasa: I don't suppose we have to go into all the procedures in order to accomplish this, but the mover of that amendment, Delegate Manglona, is willing to have the words "present and voting" reinstated - meaning that there will be no amendment.

Delegate Jesus Villagomez: I move to suspend Rule 47.

The motion was seconded. There was no objection from the floor.

Delegate Jesus Villagomez: I move to reinstate the phrase "present and voting".

Floor Leader Rasa: Can we dissolve ourselves into an executive committee so we can discuss this before we take the voting? It is necessary that we have a compromise before we go into voting for all the article itself.

The Chair declared a short recess at 6:25 p.m.

R E C E S S

The Convention reconvened at 6:32 p.m.

President Guerrero: Before we recessed, there was a motion on the floor and I would like to ask the mover of that motion, Delegate Jesus Villagomez to restate his motion.

Delegate Jesus Villagomez: My motion is to reinstate the words deleted by amendment No. 89, and that is to reinstate the phrase "present and voting". The amendment reads: "The legislature by an affirmative vote of three-fourths of the members of each house present and voting may propose amendments to this Constitution."

Motion to reinstate "present and voting" on Article XVIII, section 3 carried.

Motion to adopt Article XVIII, as amended, carried by roll call vote. The votes were as follows:

YES:	Delegates D. Atalig, P. Atalig, Atao, Ayuyu, Benavente, J. Borja, O.T. Borja, M. Camacho, Castro, Dela Cruz, J.S. Demapan, Fitial, L. Guerrero, Igitol, Limes, Mafnas, B. Manglona, P. Manglona, V. Manglona, Maratita, Ogo, Palacios, Rasa, J. P. Tenorio, M. Tenorio, Torres and J. Villagomez. (27 votes)
NO:	Delegates Calvo, King, Taisacan and R. Villagomez. (4 votes)

(13) MISCELLANEOUS

President Guerrero: This is in continuation of our Order of the Day of the 41st day of our Convention's business. I would like to remind all Delegates that the Resident Commissioner will be coming over tomorrow at 10:00 a.m. to present the election certificate to each and everyone of the Delegates, and I would like to ask the indulgence of this Convention that all the Delegates be present to receive their certificate. The other business I would like to announce that the special committee to deal with Article II, involving composition of the legislature - lower house, and the statute of limitation, the names of the members for this committee are: Delegates Mafnas, Fitial, Ramon Villagomez, J. R. Cruz, O. T. Borja, B. Manglona, J. Tenorio and Torres.

Delegate Vicente Manglona: Point of privilege. I noticed that you nominated only 1 from Tinian and 1 from Rota. Would that be unbiased?

President Guerrero: That would be unnecessary, because the Convention itself

will determine the final voting, and I think this is not a biased position. The third announcement I would like to make is to inform the three substantive committee chairmen, the three vice-presidents, Floor Leader and Secretary to meet in the President's Office tomorrow at 9:00 a.m.

Delegate Jesus Villagomez: Point of privilege. The last time you appoint a special committee, I am sure you appoint a chairman for that committee. However, the committee could not meet for several days because no one was given the responsibility to chair the committee. I wish this will not happen again. I would like to hear the Chair appoint a chairman for this committee at this time.

President Guerrero: The Chair would like to appoint Delegate Olympio T. Borja to be the chairman for this committee.

Delegate Maratita: Point of privilege. In the interest of the future of the Northern Marianas, I feel it should also be the concern of this Convention, I would like to insert for the record into the Journal, an article that appeared in the Pacific Daily News, dated November 27, 1976, which establishes the concern that the Japanese own one of the Northern Marianas. I feel that this concern must be taken into consideration seriously. This is in reference to the fact that the new island that is being developed in the Northern Marianas, should be and must be considered part of the Northern Marianas. Mr. President, if you will permit me, I would like to read the last part of this article.

"What interests us is that if a new island does form in the area described, would it be technically one of the Marianas or one of the Bonins?"

Mr. President, I feel if we do not do anything early, I feel it must be the concern that we have the United States to make sure they claim these islands on behalf of the Northern Marianas.

Delegate Jose Mafnas: The speech I delivered the other day in opposition to the \$12,000 salary, I would, if there is no objection from the floor to have it inserted into the Journal.

"Mr. Chairman:

"The general attitude that a salary of \$12,000 per annum for our legislators is much much too big. We have heard complaints from the public hearings that we must reduce it. We have heard from our constituents and the general public that our generosity by recommending the annual compensation of \$12,000 for our legislators, this generosity might prevent ratification of the Constitution by our people. We have heard complaints that the consumers will ultimately suffer. We have heard complaints after seven years when the U.S. Government's subsidy stops by draining this much money to our legislators, our Commonwealth Government will be broke, and that we have no other source of income to pay the legislators.

"Yes, Mr. Chairman, I agree with those grievances. I agree with the general public that our legislature should not be an employment institution. I agree Mr. Public, that our legislators are only thinking of themselves, that you Mr. Public had never taken advantage of your congressmen, that you had never knocked at Senator Borja's door at 3:00 in the morning asking for money. I agree that you Mr. Public had never reminded Senator Herman Q. Guerrero of the coming election when you are asking Senator Guerrero to co-sign for you when applying for a loan at the bank. I agree Mr. Public that you always returned the \$500.00 that you borrowed from Senator Manglona. I agree with you Mr. Public that when Senator Rasa left for Guam to beg the Guam Legislature for free tuitions for your children who are attending school on Guam, that when Senator Rasa left for this purpose, he paid out of his own pocket, Senator Rasa was not only thinking of himself? I agree with you Mr. Public that you never credited goods and commodities from Senator Cruz's store and even if you did, Senator Cruz had never come after you for the payments, and if Senator Cruz went after you for the payments, Senator Cruz is a bad man. Yes, Senator Cruz, you are only thinking of yourself, that is why your profits kept on going down.

"I agree with you Mr. Public that after spending lots of money, even to the extreme of selling your properties for the education of your children, your son who wants to be a congressman should be paid a low salary. I agree that your congressmen should not provide for your family; a good home, that your wife is asking for an electrical stove, that you should complain at all if the bank repossess your car, that your children should not complain about their school supplies, that you should save money for their education in the future, that you Mr. Congressman should not have more than one child because you cannot afford more than one child, because remember that Mr. Public will be knocking at your door for 'give me money, give me money'.

"Yes, Mr. Chairman, a congressman does not have to campaign nowadays. A congressman who is up for re-election does not have to spend money for his campaign. He does not have to entertain his constituents. A congressman should not be paid equitably to meet his social obligation.

"Mr. Chairman, I object to paying our congressmen \$12,000 per annum. Let's give them nominal wages, since only the low calibre people will be in this. Let these low calibre people work out a plan for our new government, let them come up with a magic formula to carry us over and our future generations after the U.S. Government says, we promised to help you for seven years, now you are on your own. Let these second class quality of congressmen face the U.S. Congress to bail us out. Let them justify why we did not have a self-sustaining economy. Let them be rubber-stamps to the Governor because they don't know better. Let them legislate our laws, the kind of laws that will guarantee the bankrupt of our Commonwealth Government.

"Nominal salary will tend to invite average capacity of people. Average capacity of people will produce an average work. Average work will be disastrous to our Commonwealth Government and Commonwealth welfare."

Delegate Fitlal: Point of privilege. I think it is about time the Chair recognize some of the attendance of the Delegates. We have been neglecting this negligence on the part of these Delegates. Let's not wait till the time I rise and condemn anybody.

President Guerrero: I believe that is the obligation of each delegate when they are facing the public before the votes were cast, telling the public that they will carry their duties as may be prescribed in the law. So that shows that they have some negligence on their part, but let not this Convention condemn any delegate.

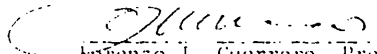
Delegate Dela Cruz: Our regulations provide for reprimand and if that continues, I suggest the Convention should do so.


Delegate Jesus Villagomez: I move that the Convention stand in recess until 10:00 tomorrow morning.

The motion was seconded and carried.

The Convention recessed at 6:50 p.m.

APPROVED:


Lorenzo I. Guerrero, President
Northern Marianas Constitutional
Convention


Pedro M. Atalig
Convention Secretary

Pipe

Dreams

By Joe Murphy



Will the Japanese own one of the Northern Marianas?

Before you get too excited, listen to this. A patrol ship from Japan's Maritime Safety Agency sailed out of Japan last weekend to check underwater volcanoes amid mounting territorial interest and concern over the possible emergence of a new island or two in the Pacific.

The new islands, if they are there, are located between Iwo Jima, at the southern end of the volcanic island chain, and Uracas Island, in the Marianas group.

The area of the survey is part of a 1,500-mile-long volcanic zone, stretching from Mt. Fuji in Japan to Guam.

xxx

Most of that information came out of the New York Times newspaper and may not be known here yet. Maybe we can get the ComNavMar fleet to rush up and intercept the Japanese ship.

The first discovery came in March 1974. The crew of a Japanese boat, fishing for bonito, noticed a previously unknown area of shallow water, no more than 10 feet deep, about 150 miles northwest of Uracas.

The area, 1,000 miles south of Japan, is a popular fishing spot for the Japanese, Taiwanese and Koreans. But the reported discovery of two new underwater islands has set off competition between Japan and the U.S. over which nation first will spot and claim new islands emerging from the sea.

xxx

Finding any island these days, with the new 200-mile economic zone, is like finding 4,000 square miles of a fertile food source. I imagine the U.S. is probably mad today that they gave the Japanese back the Bonin islands a few years ago. I understand this also included Marcus Island, giving the Japanese a couple of big spots in the Western Pacific.

xxx

These things are important these days. If an underwater mountain were to surface and create a new island, Japan could be affected in many ways including the possible use of seabed minerals. "If it becomes an American territory," a fishery agency official said in Japan, "our fishing boats could be banned from an area with a radius of 200 nautical miles centered on the new island, which would be a hard blow to Japanese bonito fishing."

There is no precedent concerning a newly-born island.

What interests us is that if a new island does form in the area described, would it be technically one of the Marianas or one of the Bonins? I guess that would depend on who got there first and planted the flag.

It's sort of eerie to think, also, that Guam and Mt. Fuji are part of the same volcanic chain.

xxx