

THIRD CONSTITUTIONAL CONVENTION
LAND AND PERSONAL RIGHTS COMMITTEE

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Mr. Chairman and Committee Members:

My name is Margarita DeLeon-Guerrero-Wonenberg, a citizen of our great Commonwealth. I present my testimony today in support of Article XII of the Constitution. My opinions are based on a profound committment to a lifelong residence in the Commonwealth. I believe indigenous land should remain in the hands of indigenous people. I believe land ownership rights were based on the public policy ^{to} protect the general population of Northern Marianas descents. Since the establishment of our Commonwealth, Article XII has been a sensitive issue for everyone, indigenous and non-indigenous alike. From the originally adopted Constitutional provision of 25 year land-lease to now 55 year land-lease, the issue continues to have many controversies. I believe most of these controversies lie in the general wording of Article XII. I am not a Constitutional expert, nor am I a lawyer. I am a concerned citizen with a responsibility to my people and my community. It is my hope, Mr. Chairman and Committee members, that you will consider what I have to say in this testimony.

FIRST Constitutionalize the provisions of Public Law 8-32 for

- (1) Severability of unconstitutional transactions*
- (2) Implement the statute of limitation for ownership litigations.*

In 1994 the 8th Legislature enacted Public Law 8-32, which contains several provisions, two of which are the "severability clause" and the statute of limitation for litigation against land titles. I believe these two provisions are important and essential and must be put into the Constitution. The law,

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enacted in November 1993 gave the courts the ability to sever those parts of transactions that are illegal and conflict with Article XII. It also provided for a window of opportunity for litigation on ownership rights. The severability clause and the statute of limitation do not conflict with the land ownership rights of indigenous people. In fact, it is for the greater good of the collective community that these provisions are put in the Constitution. They will ultimately make our islands a more sound place to invest in, increase the marketability of NMI land, and provide fair and equitable treatment to both lessors and leasees, owner and investor. We need to make these provisions constitutional mandates.

SECOND *Amend the current Constitutional provision to the enforcement of XII from Void Ab Initio to VOIDABLE*

It is my understanding that the public policy of maintaining NMI lands in NMI hands is to protect the general well being of the NMI community. In the sense that land remains within indigenous families, this public policy should be maintained and strengthened in its public enforcement policies. If the results of land transactions ultimately benefit an indigenous NMI descent, the enforcement policy of Article XII must recognize the rights of all NMI descents regardless of individual mistakes. I do not have an interest to gain should your committee implement this amendment to the Constitution, except that I believe it will benefit the entire NMI descent community.

THIRD *Analyse existing adoption laws and Constitutionalize fundamental relevant policies*

I believe indigenous land owners who cannot bear children have the right to bestow their land to their children. I think the policy should clarify the terms by which adopted children (those with no NMI descent blood) can own land title. I believe adoption of children adopted from the ages of 0-5 years of age should have the finite right to own land. Such ownership may not be transferred or sold to non-NMI descent. In the case the adopted offspring receives land through inheritance and marries an NMI descent, the offsprings of that union will then have NMI blood and eligible, under CNMI

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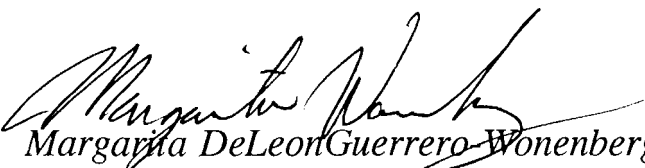
laws, to own, buy, sell, or lease land. In the event the adopted NMI offspring marries a non-NMI descent, the land reverts to the state (in the form of public lands).

FOURTH Definition of Indigenous Descent by Blood Content

I understand that the 25% bloodline is under review by your Committee. I testify in full support of reducing the 25% blood requirement, in favor of either the wording "some percent" or the 6.25% bloodline. I have three children who are part caucasian, part Chamorro. When I die, I will pass on my land to my children, who will be affected by the 25% bloodline. Moreso for my grandchildren and great grandchildren. Although I am supporting the reduction of the 25% blood requirement because my family may be affected in the future, I believe many of our brothers, sisters, aunties and uncles, cousins and friends, have married other races of non-NMI descent.

In summary, I strongly support Article XII. I testify today because I believe in strengthening this Constitutional mandate by clarifying and amending only those portions of Article XII that can only benefit our people. My testimony is but one of many you have already heard and will continue to hear in the coming weeks. I understand your responsibilities are tremendous as the actions you take will affect people's lives and the ultimate future of the Commonwealth. As I said, I am not a Constitutional expert but merely one concerned indigenous citizen. It is up to you Mr. Chairman and Committee members to make our islands a better place to live in.

With that Mr. Chairman and Committee members, I thank you for the opportunity to speak my mind. I hope you will give serious consideration to my testimony. I look forward to the results of your Committee work. Si Yu'us maase yan ghilissow.


Margarita DeLeonGuerrero-Wonenberg