

# Editorial

## A termite in court

IF THERE is one agency that must constantly balance the public's right to information and the need to protect sensitive documents and information, that will be the court. The CNMI courts, specifically the Superior Court, has so far succeeded in keeping that delicate balance. But one person, even a rank-and-file employee, can destroy that balance to the detriment of both the public and the court. We are concerned this is what will happen if a certain court employee is not transferred to a position least exposed to the public.

Under Presiding Judge Alexandro C. Castro the local press enjoyed access to court records, except those involving juveniles and files placed under seal by court order. With due respect to Castro, who has maintained good rapport with the press since his days as prosecutor and attorney general, we even exercise self-restraint when we get hold of confidential information about certain cases. We have always believed that respect works both ways and that Castro and his staff deserved appreciation for their cooperation with the press.

There is one person in the Superior Court whose rude manner and undesirable attitude toward the press has not changed since the days when the court was still known as the Commonwealth Trial Court. We tried diplomacy, flattery and even indifference, to no avail.

The water went over the pail, so to speak, when the clerk's office was transferred to the old law library. Before they moved, that person told his writer and one from another paper while we were looking at some court files: "Enjoy yourselves, media, because you cannot do that anymore when we moved to the new office."

At the new office, a reporter who was trying to look at some files was told by the same person: "You're always at our backs."

Castro has designated other people to take care of the press's needs. We appreciate the efforts by these two, as well as the other deputy clerks, to help us do our job. The problem is that the problem employee of the court cannot always be avoided, mainly because case files go from one hand to another.

We don't believe that any policy memorandum from Castro can change this person's attitude toward us and the public. We believe that the best thing to do is to assign that person to a position in the judiciary where there is no contact with the public. How about the Law Revision Commission, or the law library (provided that the law clerks are not placed under that person's authority).

We really hope Castro will give that person another job away from us, away from people. For our sake, for the court's sake, for the public's safe.

## On My Mind

by Ruth L. Tighe

Last week's column noted that how one votes is nobody's business, but that I would, nonetheless, share how I expect to vote on the 19 amendments to the CNMI Constitution. Doing so would not only give others information about the amendments, but also clarify my own thinking.

Though more than one hundred changes are being proposed, they have been bundled into only 19 amendments - one for each article of the "new" constitution that will result.

Thus, on March 4, only a vote on the 19 amendments will be on the ballot - even though many changes are contained in each amendment.

In last week's column, I wrote that I would probably vote "no" to Amendment #1, and would definitely vote "no" to Amendments #2, 3, 4, 5, and 6. For those interested, copies may be obtained from the paper directly, or from myself. To continue:

I intend to vote "no" to Amendment #7, which amends Article VII, Eligibility to Vote. I have no objection to the one new section added to this amendment that would prohibit anyone convicted of a felony from holding elected office or any appointed office that requires legislative confirmation.

But I do have a problem with the deletion, from this Article, of the provision giving the legislature the authority to define domicile and residence for voting purposes. It was apparently deleted on the grounds that the legislature has already acted on this.

Yet laws can change, and if there is no provision in the Constitution giving this authority to the legislature, an argument could be raised as to whether the legislature even had this authority. A firm believer in "better safe than sorry," I am not comfortable with the deletion.

I intend to vote "no" to Amendment #8, which amends Article VIII, Elections. The proposed amendment would delete the section giving the legislature the authority to define and determine election procedures for the same reason as was used in amendment #7 - that the legislature has already done so. And I have the same problem as I do with the deletion in #7: laws can change, and if there is no provision in the Constitution giving this authority to the legislature, an argument can be made as to whether

the legislature even had this authority to begin with.

I intend to vote "no" to Amendment #9, which amends Article IX, Initiative, Referendum and Recall. While at first glance it seems that the main change to this article makes it easier to recall elected public officials - to which I'd have no objection - a closer reading reveals several problems.

First of all, the proposed amendment would require a recall vote to be put to the voters 90 days after the attorney general certifies it, but puts no limit on how long the attorney general takes to certify it. As it now stands, specific deadlines are set: the attorney general must certify a recall petition in time to get it on the ballot of the next regular general election, or of a special election provided by law.

Secondly, the proposed amendment deletes the phrase "by persons qualified to vote in the Commonwealth" in two subsections because the legislature has defined who is qualified to vote. Once again, as in Amendments #7 and #8, I am uncomfortable with the deletion from the constitution of provisions for legislative authority.

I shall probably vote "no" to Amendment #10, which amends Article X, Taxation and Finance. Mathematics, figures, budgets, are not one of my strong points, and I'd be inclined to merely abstain on this amendment, simply because I do not understand all its implications.

But I am not at all comfortable with the provision, in Section 4, that makes it easier to impose a tax on owner-occupied single family residential, agricultural, or unimproved real property. The proposed amendment would lower the required votes to approve such a tax from 3/4 of the votes cast to a mere majority.

I shall probably vote "no" to Amendment #11, which amends Article XI, Public Lands. This is another of those articles for which so many changes have been proposed - in this case 24 - that it is difficult to comprehend their impact without far more information and discussion.

The amendment would establish a number of "permanent preserves" - a

Continued on page 8



NICK LEGASPI

Editorial Board

Editorial Board

Published by PACIFIC STAR, INC.  
P.O. Box 5915 CHR. Salmon, MP 96950  
USA

Tel. (670) 288-0745 • Fax (670) 288-0747

Subscription rates: One year - \$60.00 • Six months - \$35.00  
Off island twice local rates

## On my...

from page 4

good idea, in principle - but I worry about declaring all public land more than 500 feet above sea level a preserve. Wouldn't that include Capitol Hill?

Other parts that make me uncomfortable: the amendment would delete both the requirement that members of the "Marianas Land Bureau" be of Northern Marianas descent, and that they be able to speak Chamorro or Carolinian. Board members would be limited to a single term.

It would also change public land leases to 40 years as a given (rather than the present twenty-five year term).

It would make a number of changes to the provisions for a Marianas Public Land Trust.

The related Schedule on Transitional and Related Matters would void any leases of public land made after August 4, 1995 that did not comply with the requirements of the "new" Article XI.

I intend to vote "no" to Amendment 2, which amends Article XII, Restrictions on Alienation of Land. Though the proposed change to Section 5, returning the percent of local ownership required in corporations to 51% is probably good, other proposed changes are not.

The chief concern with this Article is the change of phrase from "void ab initio" to "voidable," which considerably decreases the penalty for violating Article XII.

The amendment also proposes that children be allowed to acquire long term interests in land by inheritance or gift even if they are not of Northern Marianas descent, provided they've been adopted by six years of age.

On the other hand, it would delete all adopted children from the definition, in Section 4, of persons of Northern Marianas descent.

I am not comfortable, either, with the constitutional requirement that a separate office be established to deal with Article XII problems and issues, as the amendment proposes.

*to be continued....*

\* \* \*

It may be better than a soap opera - all the posturing and polemics of the Hillbloom probate case - but there is at least one lesson to be learned as well: the importance of keeping one's will up-to-date. And the more that is at stake, the more important it is.

# Land sales, mortgages, etc.

Following are the documents involving real property which were registered with the Court Recorder's office on Jan.15 - 19

| Number  | Date | Grantor                      | Grantee                       | Type |
|---------|------|------------------------------|-------------------------------|------|
| 96-0117 | 1-15 | Absalon Victor Waki          | Martin G.E. Pangelinan        | QC   |
| 96-0118 | 1-15 | Charles A. Manglona          | Yuichiro Kanimura             | L    |
| 96-0119 | 1-15 | Yuichiro Kanimura            | Yaeko Maeda                   | L    |
| 96-0120 | 1-16 | CTB                          | Manuel Q. Camacho             | R    |
| 96-0121 | 1-16 | Manuel Q. Camacho            | CTB                           | M    |
| 96-0122 | 1-16 | Edward A. Villagomez         | BOS                           | M    |
| 96-0123 | 1-16 | Jessie A. Apatang et al      | BOS                           | M    |
| 96-0124 | 1-16 | Melvin M. Manglona et al     | BOS                           | M    |
| 96-0125 | 1-16 | Thomas M. Manglona et al     | BOS                           | M    |
| 96-0126 | 1-16 | Jerome T. Atalig et al       | BOS                           | M    |
| 96-0127 | 1-16 | Jesus W. Torres              | BOS                           | M    |
| 96-0128 | 1-16 | Paul A. Santos               | BOS                           | M    |
| 96-0129 | 1-16 | Ana M. Rosario et al         | Amanda B. Manglona et al      | C    |
| 96-0130 | 1-16 | Ana M. Rosario et al         | Amanda B. Manglona et al      | WD   |
| 96-0131 | 1-16 | Francisco DLG. Camacho et al | Cathryn C. Villagomez         | DG   |
| 96-0132 | 1-16 | Auria A. Borja et al         | Consolacion B. Muna           | QC   |
| 96-0133 | 1-16 | Elbert B. Quitugua           | Floyd Okamura                 | QC   |
| 96-0134 | 1-16 | Elbert B. Quitugua           | Stephen Okamura               | QC   |
| 96-0135 | 1-16 | BOS                          | Pedro Tomokane et al          | R    |
| 96-0136 | 1-16 | BOG                          | Pedro Tomokane et al          | R    |
| 96-0137 | 1-16 | Pedro Tomokane et al         | BOG                           | M    |
| 96-0138 | 1-16 |                              | Thomas Ramangmau              | A    |
| 96-0139 | 1-17 | Isabel Cabrera               | Ana C. Nahas                  | PA   |
| 96-0140 | 1-17 | Balbino I. Rogolofoi         | Kun Il Hong                   | L    |
| 96-0141 | 1-17 | Nancy Reyes                  | Felixberto Reyes              | PA   |
| 96-0142 | 1-17 | Felixberto/Nancy Reyes       | BOG                           | M    |
| 96-0142 | 1-17 | Ana D. Castro                | BOG                           | M    |
| 96-0143 | 1-17 | Elizabeth S. Raman           | Jaime Salas                   | L    |
| 96-0144 | 1-17 | US SBA                       | J. Raymond Carpenter et al    | R    |
| 96-0145 | 1-17 | CDA                          | Edwin Hofschneider et al      | R    |
| 96-0146 | 1-17 | SMI                          | Global Manufacturing Inc.     | A    |
| 96-0147 | 1-17 | SMI                          | Global Manufacturing Inc.     | A    |
| 96-0148 | 1-18 | C. E. White et al            | Douglas Alan Brennan et al    | S    |
| 96-0149 | 1-18 | Melvin I. Prennan et al      | NMHC                          | M    |
| 96-0150 | 1-18 | Ernest Patrick Cruz et al    | NMHC                          | M    |
| 96-0151 | 1-18 | Niizeki Int'l. Saipan Co.    | Wendy's Saipan Inc.           | A    |
| 96-0152 | 1-18 | Meridian Land Surveying      | Martin Sablan/DPL             | Map  |
| 96-0153 | 1-18 | Marianas Management Corp.    | Hong Seung Bae                | L    |
| 96-0154 | 1-18 | Eusebio A. Manglona          | Martin S. Atalig              | WD   |
| 96-0155 | 1-18 | Baldobino A. Manglona        | Martin S. Atalig              | WD   |
| 96-0156 | 1-19 | Maria T. Sablan              | Juana T. Huffman              | DG   |
| 96-0157 | 1-19 | Charles D. Jordan et al      | Niizeki Int'l Saipan Co. Ltd. | M    |
| 96-0158 | 1-19 | MDEVCO et al                 | Niizeki Int'l Saipan Co. Ltd. | M    |

Continued on page 9

Document types abbreviations: M - mortgage, WD - warranty deed, DG - deed of gift, DP - deed of partition, QC - quitclaim deed, DS - deed of sale, CC - certificate of compliance, DO - determination of ownership, L - lease, (t) - termination or cancellation, A - amendment, assignment and affidavit, D - deed, decree, E - easement, RM - release of mortgage, ARP - assignment of rental payments, DE - deed of exchange, QCDE - quitclaim deed of exchange, CS - certificate of sale, O - option, OC - option contract, DC - deed of conveyance, CD - conveyance deed, DT - deed of trust, EsC - estoppel certificate, J - judgement, O - order, I - injunction, WE - writ of execution, LP - lis pendens, N - notice, DD - deed of final distribution, S - stipulation, WS&L - warrant, seizure and lien, GPD - grant of public domain, CL&M - consolidation of loans and mortgages and DRC - deed of conveyance.