

Poll results certified next week

By Mar-Vic C. Munar
Variety News Staff
ELECTION returns from Saturday's ratification exercise are almost complete, and results may be certified by next week, according to an election board officer.
The Board of Elections' main office on Saipan received yesterday the complete returns from Rota.
BOE's administrative officer Ray Crisostomo said the

board is just awaiting ballots cast by absentee voters.
"Under the law, we have five days to wait for returns from off-island voters before we can start tabulating the results," Crisostomo explained. "Immediately after that, the board will form a quorum and issue a certification."
Crisostomo said latest returns showed a 48 percent voters' turnout in Saipan, 70 percent in Tinian, and 60 percent

in Rota.
Computations made by the Marianas Cablevision indicated that all the 19 proposed Constitutional Amendments failed to get the percentage of votes required to ratify an amendment.
Updated results from MCV showed big percentage of votes for Amendments No. 15, the item on gambling.
It got a 87.87 percent votes in Tinian where, incidentally, a casino facility is to be built up.
Votes in favor of the gambling amendment outnumbered the negative votes. "Yes" votes totaled 2,869, based on MCV's tabulation, while the "no" votes, 2,093.
But overall percentage reg-

istered only at 57.82 to include Saipan and Rota. Therefore, it still failed to reach the constitutional requirement for a simple majority plus two-

thirds of the votes cast in two senatorial districts.
All other amendments did not reach 50 percent of the total votes cast in the three islands.

DPS reminds holders of expired firearm permits

EMPLOYEES at the Criminal Records and Firearms section at the Department of Public Safety are conducting reviews of all firearms registration files to identify people with expired firearms permits.
Anyone whose permit(s) has expired should immediately report to the Criminal Records and Firearms Section at DPS to process their application for renewal.
In addition, anyone in possession of unregistered firearms should have them registered immediately.
Failure to do so is a violation of 6 CMC section 2204 and may result in criminal prosecution.
For further information regarding

this matter, contact the Criminal Records and Firearms Section at tel. no. 234-9137.

PSS takes part in NMI peace pole project

IN a whirlwind visit, February 14th, Japanese educator Aiko Ito planted peace poles at four Commonwealth public Schools. The three meter, off-white, plastic obelisks bearing the message "May Peace Prevail on Earth" in Chamorro, Carolinian, English and Japanese, were placed at Koblerville, WSR, Tanapag and San Vicente Elementary Schools.

At pole planting ceremonies PSS students deposited inside the poles wishes for peace and goodwill. These wishes will be permanently sealed inside the obelisks.
Ms. Ito, the director of a Japanese school, spends her free time bringing the poles to the western Pacific. In addition to the Commonwealth, Ito has been instrumental in the installation of scores of poles in Palau, Guam, the Philippines and Chuuk.
The local Peace Pole project is part of a global peace effort associated with the World Peace Prayer Society, a non-denominational, non-governmental organization based in New York. It is estimated that there are now over 100,000 Peace Pole located in 130 countries.
Other Peace Pole locations in Saipan include the Lourdes Shrine and Mt. Topotchau.



Students of Koblerville Elementary School help install a Peace Pole.

Torres to head panel to probe AG's Office

REPRESENTATIVE Stanley Torres was appointed head of a newly created subcommittee tasked to investigate the Attorney General's Office's recent actions related to labor and immigration.
The special fact-finding body is a subcommittee of the House of Representatives' Judiciary and Government Operations committee chaired by Rep. Oscar Babauta.

The subcommittee's primary function, according to Babauta, "is to investigate the recent deportees who have returned to the CNMI and other related matters as it pertains to Labor and Immigration involving the Attorney General's role."
Appointed members are Vice Speaker Jesus Attao, Reps. Manny Tenorio, Ana Teregero and Crispin Guerrero. (MCN)

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This ad was NOT paid for with public funds

Variety - March 5, 1996

Court rules on Nansay case

...SUPERIOR Court issued a summary judgment yesterday declaring that the plaintiffs who sued a private company in connection with a land lease have no standing to raise claim of any Article X11 violations.

Associate Judge Timothy Bellas said plaintiffs Pedro, Herman and Antonio R. Deleon Guerrero have no standing to claim because they had sold and transferred their interest in the leased property by warranty deed.

Court information showed that in 1987, plaintiffs Herman and Antonio executed an agreement with Nansay Micronesia, Inc. and co-defendant Ana DLG. Little for purchase and lease of real property.

Pursuant to the agreement, a ground lease for the property for 55 years in the amount of \$1.5 million was executed.

Under the agreement, the Guerreros executed in 1988 the deed to grantee Little, a person of Northern Marianas



Timothy Bellas

Descent (NMD).

The agreement also provided for the lease to Nansay which is a non-NMD firm and sale of the fee simple to Little of three parcels of land owned by the Guerreros.

The agreement gives Nansay the

exclusive option to lease for 55 years, while providing Little with exclusive right to purchase three parcels of land in fee simple subject to the lease.

On Dec. 10, 1987, Nansay exercised its option to lease the land by tendering the earnest money of \$20,000 to Herman.

The Guerreros argued that since seven years and 10 months have passed, any attempt by the defendants to enforce the agreement at this stage is barred from the six-year statute of limitations.

In response, the firm argues that if the Guerrero's claim to extinguish Nansay's option is timely, "Nansay's claim is likewise timely and is en-

itled to recover under the equitable doctrine of recoupment."

Recoupment is a defense that goes to the foundation of plaintiff's claim by deducting from plaintiff's recovery all just allowances or demands accruing to the defendant with respect to the same contract or transaction.

In a nine-page order, Bellas said the court agrees with defendants that the Guerreros lack standing to assert that the lease violates Article XII.

Bellas said it is Little, the purchaser of the Guerrero's reversionary interest in the leased property, who has standing to raise any Article X11 violations.

"Had the Guerreros not sold their reversionary interest in the leased premises, there would be no standing issue and the leased premises would revert to them," the judge explained.

Bellas said because the Guerreros sold their interest to Little, the leased property goes by default to Little who has legal title to it.

Plaintiffs' motion to rescind and cancel the option contract was granted.

The court granted Nansay's cross summary judgment to recover the \$20,000 it paid Herman for the option contract.

Nansay's request for pre-judgment interest, however, was denied. (PH)

Why . . .

Continued from page 1

chairman, who explained to students here at NMC the pros and cons and the effect of Article 13. We have gone to Rota and Tinian, talking to the students, the parents, and explaining the impact of the proposed amendment," she said.

McPhetres said there were actually total of about 160 amendments on which she thinks the voters should have been given the chance to vote.

"Putting the amendments together into (19) clusters was very negative....It would have been better, even if the election takes two days....to give to the people the privilege to think for themselves," Mc Phetres said.

She said the Saturday plebiscite was "more precondition as to how to vote.

McPhetres also said that while the ConCon delegates went out on a public education campaign, "it would have been better for a

new, true group to have gone out and provided public education to expose the pros and cons (of the amendments) so that the people could look at them from different aspects."

She said today's voters are more sophisticated than 10 years ago. "I guess we have more educated people here, graduates from NMC. Many of them have been practicing critical thinking."

She said the voters tended to put no on the ballot if they didn't "digest" the issues.

"They prefer to vote no than to vote yes if they don't understand," she said.

"I don't think they had adequate public education, although I know that the post-ConCon had done their best," she added.

She noted that the delegates themselves were doing public education. However, she said, "somebody else could do public education so that the delegate would not be viewed as biased," she added.

Amendment 13, of all the amendments, got the highest percentage of no votes, at 75.33 percent, reflective

of the educators' effective, high-handed campaign.

An ad urging voters to vote no on Amendment 13 was one of the first to come out almost daily on newspapers, and it was counteracted with a "Vote yes" ad, aping the same presentation and layout.

NMC student Frank Pangelinan, 19, thinks the no votes prevailed over the yes votes because "the delegates kind of tried to persuade the people into voting yes and that scared a lot of them."

Also, he said, the delegates "weren't very detailed in their explanations over the amendments; they left a lot of questions unanswered."

He thought the no proponents were "very specific" in their reasons and more convincing.

Rep. Stanley Torres said that if he were a member of the post-Con committee, he would have suggested a different method of conducting public education, like "explaining to the people that these are what the delegates have done and why they need to change the amendments, and just letting the people decide."

Attao . . .

Continued from page 1

the proposals. Even the ConCon delegates would have had more time for their education drive.

"The result could have been different because the more time we had, the more the people would know about the amendments and who knows maybe they would have ratified the Constitution," said Attao.

Unofficial election results show that not one among the 19 amendments garnered the required number

of votes to get ratified.

Although two proposals, Amendment 5 (Washington Representative) and Amendment 15 (Gambling), satisfied the majority vote requirement, it failed to get the two-thirds vote in any of the senatorial districts.

Under the current Constitution, amendments proposed by a ConCon require a majority vote Commonwealth-wide plus two-thirds votes on at least two of the CNMI's three senatorial districts.

According to Attao, there was a good number of reasonable propos-

als from the Third Constitutional Convention which could have gotten more support had the public been allowed more time to digest their merits.

"The public had spoken that there was not enough time. I feel sorry for the ConCon delegates because they worked very hard. But the problem is really, there was not enough public education," said Attao.

"The timing is too short. People should have been given more time because these proposals will affect their lives," said the vice speaker.

Tenorio . . .

Continued from page 1

the influx of non-resident workers in unlimited numbers.

"We would like to see whether or not the US can support our view that as a unique political entity, we can exclude certain classes of individuals from the citizenship provision of the Covenant," said Brenda in a previous interview on the same issue.

Also to be taken up in the 902 meeting is the issue of who should have jurisdiction on submerged lands and marine resources in the Commonwealth.

resources beyond a 12 mile radius off its coasts.

The CNMI government has taken a position that local government maintains sovereignty over its coasts for up to the 200-mile radius of its exclu-

sive economic zone (EEZ).

Tenorio had instructed his 902 representative to demonstrate CNMI's ownership of submerged lands and to receive a proposal from Cohen so conflicts on the issue could be avoided.

Audit . . .

Continued from page 1

One establishment, on the other hand, made overpayments to MPLC. Silk Road Corp' Saipan Country Club in Chalan Kiya overpaid by \$11,305 representing gross receipts rent that was improperly paid to the agency.

lease payments and to verify the accuracy of computations and adequacy of documentation for gross receipts reported by lessees."

There is also a need for the MPLC and lessees "to better communicate on matters affecting the computation and payment of rentals," LaMotte said.

In a letter to the public auditor

NOTICE OF CRM BOARD MEETING

Pursuant to P.L. 8-41, This is to inform the general public that the CRM Agency Officials will hold a CRM Board Meeting:

Date: March 6, 1996
Time: 9:00 a.m.
Place: CRM Conference Room

The Agenda for the meeting is as follows:

1. Opening Remarks
2. Projects ready for Board Action
3. New Projects
4. Miscellaneous Matters / Project Status
5. Adjournment

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Director, CRMO

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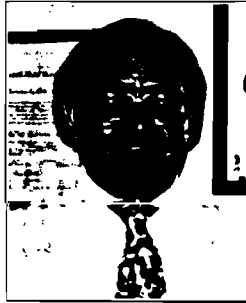
Audit: Hotels owe gov't

By Mar-Vic C. Munar
 Variety News Staff

THE OFFICE of the Public Auditor found that several big hotels, resort and golf courses on Saipan had reneged on their lease agreements with the Division of Public Lands, costing the government a total of \$888,793 in rental underpayments.

Two phases of audit were performed by the auditor's office. Results showed that the delinquent establishments underpaid the government by \$772,363 for lease period covering 1990 and 1994; and \$111,430 between 1988 and 1989.

It was found out that underpayment had resulted from improperly computed gross receipts submitted by the lessees to the public lands agency, formerly known as the Marianas Public Lands Corp.



Leo LaMotte

or MPLC.

The public auditor's office faulted MPLC the public lands agency MPLC for its failure to develop and implement monitoring and collection procedures related to lease-payments.

The MPLC, the public auditor's office added, failed to "verify accuracy of rental computations provided by the lessees."

The report submitted by Public Auditor Leo LaMotte to Secretary Benigno Sablan of the Department of Public Lands and Natural Resources, MPLC's mother agency, found that:

- Two establishments did not pay the required rentals to MPLC;
- Five lessees paid their rentals but did not compute their rentals in accordance with their lease

agreements;

- One lessees had only partially paid; and
- Four lessees did not fulfill a previous underpayment dues and another lessee was not credited for the overpayment cited in a previous audit report.

The auditor's office identified the following establishments that underpaid MPLC between 1990 and 1994:

- Pacific Micronesia Corp. which runs the Daichi Hotel in Garapan, \$143,973 including in-

terest of \$12,691;

- Micro Pacific Development Inc. which runs Grand Hotel in Susupe, \$17,457;
- Saipan Portupia Hotel Corp. which runs Hyatt Regency in Garapan, \$15,678; and
- Suwaso's Coral Ocean Point, \$3,372.

The Kan Pacific Saipan Ltd., which operates the Mariana Resort Hotel in Marpi, has not paid a total of \$666,841 in rental obligations.

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Post-election analysis

Why the people voted 'No'

By Rick Alberto
 Variety News Staff

TO WHAT factors can the overwhelming no-vote win in last Saturday's plebiscite be attributed?

The Variety asked five voters including a no proponent from the education field. One common reason they gave for the no vote was many voters did not fully comprehend the ramifications of the 19 amendments.

Further questionings also led to conclusions that the yes proponents failed to come across. On the other hand, the no proponents campaigned harder and cited the whys and wherefores more straightforwardly.

"There was not enough education," said Ignacio Benavente, chief deputy clerk of the District Court.

Benavente said that for the delegates, "nothing is bad. For them everything is vote yes. They just tell you this is good, vote yes, but they don't tell you both the advantages and the disadvantages."

Benavente voted yes on the amendments concerning the judiciary and the Washington representative.

But he admits he was influenced up to a certain extent by the no campaigners, particularly those opposed to Amendment 13, on education.

"They (educators from the Northern Marianas College, who were among the ardent campaigners for no) are in a better position to understand the consequences if you vote yes," Benavente said.

Benavente thinks the ConCon delegates who campaigned for the ratification of all the amendments

should have also mentioned the cons, and not only the pros.

"This (election) is non-partisan. This is not politics. So, they should at least be honest with themselves in representing the public. This is for the betterment of the community," he said.

Diego S.N. Dela Cruz, court security, voted no on all the amendments, citing specifically number 13 because he said he had read that this would put the NMC under the hands of politicians.

Dela Cruz says he had read more "no" ideas than the "yes."

He said the people had not been sufficiently educated. Told that there had been public hearings conducted; he said he wasn't aware of them. "I've never seen in the newspaper that they were having public hearings."

Over at the NMC, faculty and staff are jubilant for the college's concerted campaign against Amendment 13 was a triumph.

NMC President Agnes M. McPhetres said the college's public education campaign paid off.

"We have done several public education on TV, with myself going out publicly. Also our board

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Tenorio pushes bid to restrict US citizenship



Froilan C. Tenorio

By Rafael H. Arroyo
 Variety News Staff

GOVERNOR Froilan C. Tenorio is hoping to get a prompt response from the federal government regarding his plan to restrict US citizenship from certain persons born in the CNMI.

In an interview, Tenorio said he is sending his special 902 representative Brenda Y. Tenorio to Washington, D.C. this week to discuss the citizenship issue with her 902 counterpart, Ed Cohen.

Also to be discussed in the meeting is the issue of submerged lands ownership, according to the governor.

"I hope this issue is resolved in this meeting," said Tenorio.

"I maintain my position that citizenship should be restricted. I guess from what I gather, it is not a major concern of US gov-

ernment, at least I don't see any indication from them that it is. But to me this is a major concern for the local government," said the governor Thursday.

Under Tenorio's proposal, US citizenship would cease to be automatically conferred on CNMI-born children unless they have at least one US citizen parent.

The current provision under Covenant section 301 accords US citizenship to anyone born in the CNMI, regardless of the citizenship of the parents.

Section 902 provides a forum where the US and the CNMI could discuss matters affecting their relationship.

The 902 representative has had initial discussions with Cohen on the citizenship issue a while back but the latter recommended that an official position paper be submitted by the CNMI side before the US side takes an official stand.

The proposal to restrict US citizenship is being explored on the premise that the unique political status of the CNMI under the Covenant may allow such a policy.

Another factor that has led to the proposal is the observation that automatic US citizenship is creating a class of citizens out of a steadily increasing non-resident population.

Currently, the CNMI controls its own immigration under the Covenant allowing for

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Attao: Delay could have altered ConCon outcome



Jesus T. Attao

By Rafael H. Arroyo
 Variety News Staff

HAD THERE been a postponement of last Saturday's election, the outcome of the ratification vote should have been a

lot different.

This from House Vice Speaker Jesus T. Attao who said the proposed amendments to the Constitution should not have suffered such an overwhelming defeat had his proposal to move the election date materialized.

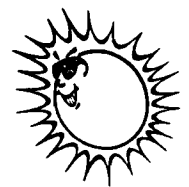
House Bill 10-162 which Attao authored would have moved the vote on the proposed amendments from March 2 to June 29 of this year.

The measure passed both houses of Legislature but Gov. Froilan C. Tenorio opted to sit on it and let the Saturday ratification vote push through.

"If only House Bill 10-62 was signed into law, the public would have gotten more informed on

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Weather Outlook



Mostly sunny