

FILED

IN THE SUPERIOR COURT OF GUAM  
TERRITORY OF GUAM

FEB 10 9 18 PM '93  
SUPERIOR COURT  
OF GUAM

ANGEL SANTOS and  
THE CHAMORRO NATION,

Petitioners,

vs.

JOSEPH F. ADA,  
Governor of Guam,

Respondent.

SPECIAL PROCEEDING CASE  
NO. SP0083-92

DECISION AND ORDER ON  
PETITIONERS' WRIT OF MANDATE,  
RESPONDENT'S MOTION TO  
DISMISS PETITIONERS' WRIT OF  
MANDATE AND MOTION FOR  
SUMMARY JUDGMENT

This matter was brought before the Honorable Benjamin J.F. Cruz on June 8, 1992 at 9:20 a.m. pursuant to Petitioners' Writ of Mandate and Respondent's Motion to Dismiss Petitioner's Writ of Mandate and Motion for Summary Judgment. Petitioners' were represented by Attorneys Michael F. Phillips, Michael J. Bordallo, and Therese M. Terlaje; Respondent was represented by Attorney General Elizabeth Barrett-Anderson, Deputy Attorney General Patrick J. Mason and Assistant Attorney General Maria G. Fitzpatrick.

Based upon the legal briefs and oral arguments presented by the parties, the Court orally GRANTED Petitioners' Writ of Mandate upholding Public Law 12-226, as amended, otherwise known as the Chamorro Land Trust Act, and DENIED Respondent's Motion to Dismiss Petitioners' Writ of Mandate and Motion for Summary Judgment. This is now the Court's written confirmation of that decision.

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1 First, the Court having found that the Guam Legislature has  
2 the authority, pursuant to §1421f(b) of the Organic Act, to  
3 legislate with respect to all property, real and personal,  
4 transferred from the United States to the Government of Guam,  
5 the Court also finds that the Guam legislature has the  
6 authority to amend the definition of the term "native Chamorro"  
7 as it may deem necessary for implementing the Chamorro Land  
8 Trust Act.

9 Second, whereas, the Court adopts and incorporates by  
10 reference the Memorandum of Points and Authorities submitted by  
11 the Petitioners,

12 IT IS ORDERED that a Peremptory Writ of Mandate be issued  
13 under the seal of this court directed to Joseph F. Ada,  
14 Governor of Guam, Respondent in this action, commanding him  
15 immediately upon receipt of the Peremptory Writ to implement  
16 the Chamorro Land Trust Act, said implementation to commence no  
17 later than on or about sixty (60) days from the date of said  
18 Writ, pursuant to §13501(a) of Public Law 12-226, as amended.

19 IT IS FURTHER ORDERED that Governor Joseph F. Ada appoint  
20 five (5) members of the commission within sixty (60) days from  
21 the date of said Writ, pursuant to §13501(a) of Public Law  
22 12-226, as amended.

23 IT IS FURTHER ORDERED that Governor Joseph F. Ada appoint  
24 the chairman of the Commission from among the members thereof,  
25 pursuant to §13501(a) of Public Law 12-226, as amended.

26 IT IS FURTHER ORDERED that Governor Joseph F. Ada, pursuant  
27 to §13503 of Public Law 12-226, as amended, designate within  
28 ninety (90) days which government land will be available land

1 for the Chamorro HomeLand Trust and which government land will  
2 be reserved in accordance with §13004 of the Government Code.

3 SO ORDERED this 10 day of February, 1993.

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6 BENJAMIN J.F. CRUZ, Judge  
7 Superior Court of Guam  
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19 Received for Service

