



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

OCT 06 1997

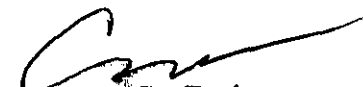
**Refer to  
Legislative Secretary**

The Honorable Antonio R. Unpingco  
Speaker  
Twenty-Fourth Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Agana, Guam 96910

Dear Speaker Unpingco:

Enclosed please find a copy of Substitute Bill No. 9 (LS), "AN ACT TO AUTHORIZE THE GOVERNOR TO CONVEY LOT NO. 5132-1, MUNICIPALITY OF DEDEDO, TO THE ESTATE OF HILARIO BAMBA SAN NICOLAS AND MARIA GUERRERO SAN NICOLAS, THE ORIGINAL LANDOWNERS," which became law without the signature of the Governor on October 5, 1997. This legislation is designated as **Public Law No. 24-79**.


Very truly yours,


  
Carl T. C. Gutierrez  
Governor of Guam

Attachment

cc: The Honorable Joanne M. S. Brown  
Legislative Secretary

00461

OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT
Received By: <u></u>
Time <u>11:45am</u>
Date <u>10-7-97</u>

Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: 10/7/97  
Time: 0439  
Rec'd by:   
Print Name: Charlene Buentas

TWENTY-FOURTH GUAM LEGISLATURE  
1997 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 9 (LS), "AN ACT TO AUTHORIZE THE GOVERNOR TO CONVEY LOT NO. 5132-1, MUNICIPALITY OF DEDEDO, TO THE ESTATE OF HILARIO BAMBA SAN NICOLAS AND MARIA GUERRERO SAN NICOLAS, THE ORIGINAL LANDOWNERS," was on the 15th day of September, 1997, duly and regularly passed.



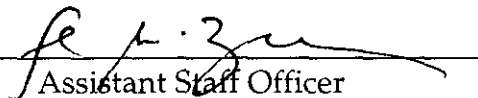
ANTHONY C. BLAZ  
Acting Speaker

Attested:



JOANNE M.S. BROWN  
Senator and Legislative Secretary

.....  
This Act was received by the Governor this 22<sup>nd</sup> day of September, 1997, at  
2:45 o'clock 1 .M.



Assistant Staff Officer  
Governor's Office

APPROVED:

\_\_\_\_\_  
CARL T. C. GUTIERREZ  
Governor of Guam

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_



Doc 1 161

Office of the Speaker

Senator Antonio R. Unpingco  
Speaker

155 Hester Street, Agana, Guam 96910  
Phones : (671) 472-3455 / 56 / 57 • Fax : (671) 472-3400

**Clerk of the Legislature**

ACKNOWLEDGMENT RECEIPT  
Received by: [Signature]  
Time: 2:53 pm  
Date: 10/08/97

October 07, 1997

**Memorandum**

To: Legislative Secretary  
From: Speaker  
Subject: Transmittal of Public Laws

OFFICE OF THE LEGISLATIVE SECRETARY  
ACKNOWLEDGMENT RECEIPT  
Received By: [Signature]  
Time: 11:45 am  
Date: 10-7-97

I am referring to you the following Public Laws transmitted to my office from the Governor:

- Public Law 24-79 "AN ACT TO AUTHORIZE THE GOVERNOR TO CONVEY LOT NO. 5132-1, MUNICIPALITY OF DEDEDO, TO THE ESTATE OF HILARIO BAMBA SAN NICOLAS AND MARIA GUERRERO SAN NICOLAS, THE ORIGINAL LANDOWNERS."
- Public Law 24-80 "AN ACT TO ADD A NEW ITEM (4) TO §6301(b) OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO SETTING THE MAXIMUM LIMIT OF LIABILITY FOR GOVERNMENT EMPLOYEES AND AGENTS."
- Public Law 24-81 "AN ACT TO AMEND §4101, §4104(a), §4104(m), §4104, §4106, AND §4214, TO ADD A NEW §4103.5 AND §4106.1, AND ADD A NEW ARTICLE 6 TO CHAPTER 4, ALL TO TITLE 12 OF THE GUAM CODE ANNOTATED, AND TO APPROVE THE TERMS AND CONDITIONS OF THE ISSUANCE OF UP TO \$50,000,00 OF REVENUE BONDS OF THE GUAM HOUSING CORPORATION, AND TO AMEND SECTIONS 4, 6, 7, 8, 10, AND 13 OF P.L. NO. 20-225, RELATIVE TO THE LADA ESTATES AFFORDABLE HOUSING PROJECT."

Transmittal of Public Laws

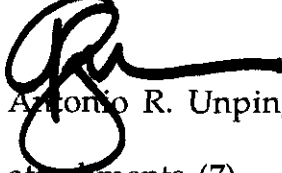
Legislative Secretary

October 07, 1997

Page 2

- Public Law 24-82 "AN ACT TO REPEAL AND RE-ENACT §4103 (C) OF ARTICLE 1, CHAPTER 4 OF TITLE 12 OF THE GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE GUAM HOUSING CORPORATION TO INCLUDE THE PAYMENT OF EXISTING CONSUMER DEBTS FROM THE PROCEEDS OF MORTGAGE LOANS IF IT WILL CAUSE THE APPLICANT TO QUALIFY FOR A HOME MORTGAGE."
- Public Law 24-83 "AN ACT TO AMEND §§11 AND 11-A OF PUBLIC LAW NUMBER 21-60, RELATIVE TO ALLOWING THE RECIPIENTS OF JOINT GOVERNMENT OF GUAM AND FEDERAL EMERGENCY MANAGEMENT AGENCY LAND FOR THE LANDLESS PROGRAM AND OTHER PURCHASERS OF PUBLIC LAND FOR HOUSING PURPOSES AT BELOW FAIR MARKET VALUES TO MORTGAGE THEIR PROPERTIES AND TO CONSOLIDATE THEIR LOANS AS PART OF A HOME IMPROVEMENT LOAN."
- Public Law 24-84 "AN ACT TO AMEND §413 OF ARTICLE 4, DIVISION 1 OF TITLE 6 OF THE GUAM CODE ANNOTATED RELATIVE TO PEER REVIEW."
- Public Law 24-85 "AN ACT TO ADD A NEW §5001(f) TO PART A, ARTICLE 1, DIVISION 1, CHAPTER 5 OF TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO MANDATING THAT ALL PURCHASES MADE FOR GOVERNMENT TRAVEL AUTHORIZATION MUST BE ROTATED FAIRLY AND COMPETITIVELY AMONG ALL LICENSED TRAVEL AGENCIES OPERATING IN GUAM."

• Public Law 24-86



Aron R. Unpingco

attachments (7)

crd

24-79



24<sup>th</sup> GUAM  
LEGISLATURE

COMMITTEE ON  
AGRICULTURE, LAND, HOUSING,  
COMMUNITY & HUMAN RESOURCES DEVELOPMENT

**SENATOR JOHN CAMACHO SALAS**  
**CHAIRMAN**

September 5, 1997

The Honorable Antonio R. Unpingco  
Speaker  
Twenty-Fourth Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Agricultural, Land, Housing, Community & Human Resources Development to which was referred Bill No. 9, has had the same under consideration and now wishes to report back the same with the recommendation **TO DO PASS.**

The Committee votes are as follows:

To Do Pass	9
Not To Pass	0
Abstain	0
Other (Off-Island)	0

A copy of the Committee's report and other pertinent documents are enclosed for your reference and information.

Sincerely,

Senator John Camacho Salas  
Chairman

Attachments



24th GUAM LEGISLATURE

# SENATOR JOHN CAMACHO SALAS

CHAIRMAN

## COMMITTEE ON AGRICULTURE, LAND, HOUSING, COMMUNITY AND HUMAN RESOURCES DEVELOPMENT

### VOTING SHEET

Bill Number 9

Title An Act to authorize the Governor to convey Lot No. 5132-1, Municipality of Dededo, to the estate of Hilario Bamba San Nicolas and Maria Guerrero San Nicolas, the original landowners.

TO DO PASS


NOT TO PASS

ABSTAIN

INACTIVE FILE

  
John Camacho Salas, Chairman

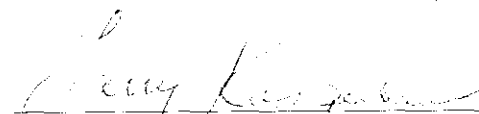
✓

  
Edwardo J. Cruz, M.D., Vice-Chairman

✓

  
Elizabeth Barrett-Anderson, Member

✓

  
Larry F. Kasperbauer, Member

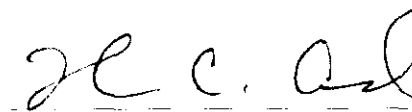
X

  
Felix P. Camacho, Member

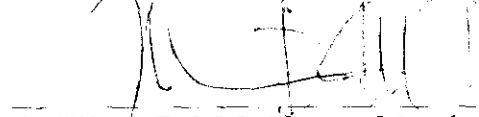
✓

  
Carlotta M. Leon Guerrero, Member

✓

  
Thomas C. Ada, Member

✓

  
William B.S.M. Flores, Member

✓

  
Frank B. Aguon, Jr., Member

✓

FISCAL NOTE  
BUREAU OF BUDGET AND MANAGEMENT RESEARCH

**BDMR-F7**

Bill Number: 9  
Amendatory Bill: No

Date Received: 7/28/97  
Date Reviewed: 8/13/97

Department/Agency Affected: Department of Land Management  
Department/Agency Head: Carl Auon  
Total FY Appropriation to Date: \$3,694,501 (General Fund)

Bill Title (preamble): AN ACT TO AUTHORIZE THE GOVERNOR TO CONVEY LOT NO. 5138-1, MUNICIPALITY OF DEDEDO TO THE HEIR OF HILARIO BAMBA SAN NICOLAS AND MARIA SAN NICOLAS THE ORIGINAL

Change in Law: N/A

Bill's Impact on Present Program Funding:  
Increase \_\_\_\_\_ Decrease \_\_\_\_\_ Reallocation X No Change \_\_\_\_\_

Bill is for:  
Operations \_\_\_\_\_ Capital Improvement \_\_\_\_\_ Other X

**FINANCIAL/PROGRAM IMPACT**

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)			
PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
Natural Resources Recreation and Arts			11

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL						
OTHER						
TOTAL						11

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? N/A -- IF NO, ADD'L AMOUNT REQUIRED \$ N/A  
AGENCY/PERSON/DATE CONTACTED: \_\_\_\_\_

ESTIMATED POTENTIAL MULTI-YEAR REVENUES						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND						
OTHER						
TOTAL						11

ANALYST A. Flores DATE 8/13/97 DIRECTOR Joseph E. Rivera, Acting DATE AUG 14 1997

A. Flores

FOOTNOTES: 11 Although an appropriation measure is not provided, enactment will impact on scarce government land resources which may not address all issues of the same nature. Additionally, it entails administrative costs to carry out the intent of the proposed legislation, and all proceeds resulting from this conveyance shall be deposited into the Chamorro Loan Guarantee Fund.





1  
Committee on Land, Housing, Agriculture, Planning,  
Community & Human Resource Development  
Committee Report on Bill 9  
Publicly Heard February 28, 1997

**I. ATTENDANCE:**

- Senator John Camacho Salas, Chairman
- Senator Edwardo J. Cruz, Vice-Chairman
- Senator Lawrence Kasperbauer, Member
- Senator Thomas Ada, Member
- Senator William B.S.M. Flores, Member
- Senator Elizabeth Barrett-Anderson, Member
- Senator Frank B. Aguon, Jr., Guest

*Bill No. 9 - An Act To Authorize The Governor To Convey Lot No. 5132-1, Municipality Of Dededo, To The Heir Of Hilario Bamba San Nicolas And Maria Guerrero San Nicolas, The Original Land Owners.*

**I. BILL SYNOPSIS:**

Lot No. 5132-1 was condemned by the Federal Government for recreational purposes and was used for a short time. The Federal government returned the lot to the government of Guam, but lot was not transferred back to family. Family refused to move off the property and has continuously occupied the lot. Bill 9 would authorize the Governor to convey Lot No. 5132-1 to the heirs of the original landowners.

**II. TESTIMONY:**

**Senator Elizabeth Barrett-Anderson**, sponsor of the bill, gave a brief introduction of the bill. She was asked previously why this particular lot had a small house on it when it is located in the Tumon area. She was told that the lot was owned by the government and that squatters occupied it. After further research, it was determined that the property was condemned by the government, and the original land owners refused to leave. Bill 9 will allow the Governor to resolve this matter, no matter what the outcome is.

**Maria Leon Guerrero San Nicolas Cruz** explained the tension between the family members due to a lack of communication. She stated that each heir to the estate will get what is coming to them. She read her written testimony. Stated that for over 46 years, there has been an injustice imposed upon her family. The property was taken by the military for recreation. It then was returned to the government of Guam. Asked that the bill be amended to compel the Governor to act, and not just authorize.

**Agnes S.N. Abondo** testified that the heirs of the original land owners are contesting the transfer of the property to Maria L.G. S.N. Cruz. They asked that the lot be transferred to the estate of the original land owners. Asked that the Department of Land Management deal with all heirs of the estate.

**Prescilla S.N. Cadac** read from written testimony, opposing the bill. This bill does not address the other heirs to the property. The lot should be conveyed back to the family.

**Prescilla J.B. Quichocho**, great grand daughter of original land owners. Voiced concerns and opposition to Bill. Litigation is pending at the Superior Court at this time. The bill conveys the property on one family member, and not the heirs of the original land owners. Objects it going to only one family member. Court case addresses distribution to all heirs to be fair.

**Joseph S. San Nicolas** spoke in Chamorro. Give the property back to all the original land owners. It should not be given to one.

**Bernadita S.N. Chaguina**, an heir to the lot. She opposes and contests the bill, section 2, conveying the lot to Maria S.N. L.G. Cruz. Maria is not the sole owner of this land, nor has the rightful heirs appointed her as a representative or waived any rights. Will not consent to the transfer of the lot to one owner. Please amend bill to indicate all rightful heirs of original land owners.

Lillian S.N. Opena, representing her mother. Litigation ongoing, their attorney is Katherine L. Montegue, from the office of Howard Trapp. The bill should be amended to reflect the original heirs, and should be conveyed to their descendants. Written testimony was submitted.

June K. Respicio, who is residing on the property. Senator Barrett-Anderson has been helping, and the bill stipulates the original land owners. The key is to get the Governor to recognize that there was an injustice. The family has never given up ownership by occupying the property. The government owns the property, but we have taken a stand against them. No one is trying to swindle anyone out of their property. All they want is closure. Have the (local) government recognize that the Federal government took the property forcefully. One person had to take the lead, and they did. Wants the government to recognize that the property be returned to the original landowners, and give the authority to do this.

Maria L.G. S.N. Cruz stated that she is glad that the bill was introduced, because the family has come forward. It was never intended that the bill be just for her. She is sorry that it was misinterpreted. She wants to share it with others. Her name is there because she is the one who has been testifying.

Senator Barrett-Anderson explained that at a public hearing there is an opportunity for people to testify for or against the bill. There was potential for the government to lose this property during the land scam years, but the fact that the land was occupied saved this property. Credit should be given to Maria Cruz. The bill can be amended to reflect the wishes of all heirs. The government of Guam, for the last 23 years, has refused to move an inch. But it should be returned to the original land owners, and go back to probate because of dispute.

Senator Salas cited his personal family experience, losing property because the family couldn't agree. If the bill is amended to "The Estate of Hilario San Nicolas" it would solve the matter. The sponsor of the bill will take care of this.

Senator Kasperbauer asked why the family is agreeing to having the police substation remain when this was carved out of their property.

Senator Anderson asked for the family's comments on how this should be handled.

Senator Salas explained that the Sagan Policia was permitted because it was government property. The issue is that if the property is the family's legally, will the Governor be willing to rectify this. Options were discussed. The Committee would hold off until the family can comment on this.

### III. COMMITTEE FINDINGS

The Committee finds that in further discussions with the San Nicolas family, although the Sagan Policia sits on a portion of Lot No. 5132-1, the family wishes to keep this public facility in the hands of the government of Guam. The bill's author recommends that the entire Lot No. 5132-1 be conveyed to the heirs, but the portion of Lot No. 5132-1 containing the Sagan Policia be reserved back to the government of Guam. Further, the original language in the bill only specified Maria L.G. Cruz as the recipient of conveyance. Other family members present along with Maria L.G. Cruz agreed to change the language to reflect the estate of the original landowner.

### IV. COMMITTEE RECOMMENDATION

The Committee recommends that Bill 9 reflect the conveyance of lots to the estate of Hilario San Nicolas and Maria Guerrero San Nicolas to ensure that all heirs are taken into account. Further, Bill 9 will be amended to reflect that once Lot No. 5132-1 is conveyed to the heirs, the portion on which the Sagan Policia is located will be reserved back to the government of Guam. The Committee therefore voted **TO DO PASS** Bill 9, as substituted by committee.



SENATOR JOHN CAMACHO SALAS  
TWENTY-FOURTH GUAM LEGISLATURE  
TERRITORY OF GUAM  
TANAKA BUILDING, SUITE 100  
AGANA, GUAM USA 96910

## PUBLIC HEARING

of

The Committee on Land, Housing, Agriculture, Planning,  
Community and Human Resource Development  
Legislative Public Hearing Room  
Friday, February 28, 1997, 9:00 A.M. - 3:00 P.M.

## AGENDA

1. Bill No. 68  
An act to amend parts of 22GCA to extend the Right to Work to all workers in the Territory of Guam, whether they work for government or the private sector.
2. Bill No. 101  
An act to authorize the exchange of certain property in Tumon to complete the widening of Pale San Vitores Road.
3. Bill No. 119  
An act to authorize the Governor of Guam to exchange Lot No. 5253-R2 Macheche, Municipality of Dededo, for Lot No. 10130-R2NEW-3-R/W and Lot No. 10130-R2NEW-4 Macheche, Municipality of Dededo for the new Bello Road reconstruction.
4. Bill No. 9  
An act to authorize the Governor to convey Lot No. 5132-1, Municipality of Dededo to the heir of Hilario Bamba San Nicolas and Maria San Nicolas, the original landowners.
5. Territorial Planning Council  
Continuation of the TPC oversight hearing held on January 30, 1997.
6. Department of Labor  
The Department of Labor will present a briefing of its department to the Committee for informational purposes.



# SENATOR JOHN CAMACHO SALAS CHAIRMAN

COMMITTEE ON AGRICULTURE, LAND, HOUSING, COMMUNITY AND  
HUMAN RESOURCES DEVELOPMENT

## TESTIMONY SIGN IN SHEET

Bill Number 9

Subject An Act to Authorize the Governor to Convey Lot No. 5132-1, Municipality of Dededo to the Heir of Hilario Bamba San Nicolas and Maria San Nicolas, the Original Landowners.

Friday, February 28, 1997

Name	Organization	Testimony
AGNES S.N. ABANDO		<input checked="" type="checkbox"/> ORAL <input type="checkbox"/> FOR <input type="checkbox"/> WRITTEN <input checked="" type="checkbox"/> AGAINST
PRISCILLA S.N. CADAG		<input checked="" type="checkbox"/> ORAL <input type="checkbox"/> FOR <input type="checkbox"/> WRITTEN <input checked="" type="checkbox"/> AGAINST
Robert S. San Nicolas		<input type="checkbox"/> ORAL <input type="checkbox"/> FOR <input type="checkbox"/> WRITTEN <input checked="" type="checkbox"/> AGAINST
JESUS S. SAN NICOLAS		<input checked="" type="checkbox"/> ORAL <input type="checkbox"/> FOR <input type="checkbox"/> WRITTEN <input checked="" type="checkbox"/> AGAINST
Priscilla J. B. Quintero		<input type="checkbox"/> ORAL <input type="checkbox"/> FOR <input type="checkbox"/> WRITTEN <input checked="" type="checkbox"/> AGAINST
FERMIN C. SAN NICOLAS		<input checked="" type="checkbox"/> ORAL <input type="checkbox"/> FOR <input type="checkbox"/> WRITTEN <input checked="" type="checkbox"/> AGAINST
JOSEPH S. SAN NICOLAS		<input type="checkbox"/> ORAL <input type="checkbox"/> FOR <input type="checkbox"/> WRITTEN <input checked="" type="checkbox"/> AGAINST
BERNADITA S.N. Chiguina		<input type="checkbox"/> ORAL <input type="checkbox"/> FOR <input checked="" type="checkbox"/> WRITTEN <input checked="" type="checkbox"/> AGAINST
Lillian San Nicolas OPENA		<input type="checkbox"/> ORAL <input type="checkbox"/> FOR <input checked="" type="checkbox"/> WRITTEN <input checked="" type="checkbox"/> AGAINST
Maria S.N. Leon Guerrero-Cruz		<input checked="" type="checkbox"/> ORAL <input type="checkbox"/> FOR <input type="checkbox"/> WRITTEN <input checked="" type="checkbox"/> AGAINST
June C. Respicio		<input type="checkbox"/> ORAL <input type="checkbox"/> FOR <input type="checkbox"/> WRITTEN <input checked="" type="checkbox"/> AGAINST
Ronald E. Teehan	Member, Ancestral Lands Commission	<input checked="" type="checkbox"/> ORAL <input checked="" type="checkbox"/> FOR <input type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST
Joe Borja / by: Ronald E. Teehan	Chamorro Land Trust Commission	<input type="checkbox"/> ORAL <input type="checkbox"/> FOR <input checked="" type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST
		<input type="checkbox"/> ORAL <input type="checkbox"/> FOR <input type="checkbox"/> WRITTEN <input checked="" type="checkbox"/> AGAINST
		<input type="checkbox"/> ORAL <input type="checkbox"/> FOR <input type="checkbox"/> WRITTEN <input checked="" type="checkbox"/> AGAINST
Kathryn L. Montague - notice		<input type="checkbox"/> ORAL <input type="checkbox"/> FOR <input type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST

Bill No. 9(LS)

AN ACT TO AUTHORIZE THE GOVERNOR TO CONVEY LOT NO. 5132-1, MUNICIPALITY OF DEDEDO TO THE HEIR OF HILARIO BAMBA SAN NICOLAS AND MARIA SAN NICOLAS THE ORIGINAL LANDOWNERS.

Good Morning Chairman Salas,

My name is Bernadita San Nicolas Chiguina, grand-daughter of the deceased Hilario Bamba San Nicolas and Maria Guerrero San Nicolas, and I am an heir to Lot No. 5132-1 situated in Tumon, municipality of Dededo. My father is the deceased Joaquin Guerrero San Nicolas son of Hilario Bamba San Nicolas and Maria Guerrero San Nicolas.

I am contesting Bill No. 9(LS) Section 2, introduced by Senator Elizabeth Barrett-Anderson, which states that the Governor of Guam is authorized to convey Lot No. 5132-1 containing an area of 4,000+/- square meters in the municipality of Dededo to Maria San Nicolas Leon Guerrero-Cruz, aka Maria San Nicolas. Maria is not the sole heir to this land, nor have all rightful heirs appointed her as representative or have they waived their rights of Lot No. 5132-1 to her.

I have ten brothers and sisters who are also heirs to Lot No. 5132-1. Their names are as follows:

Remedios San Nicolas Chargualaf - deceased  
Jose Quidachay San Nicolas - deceased  
Rosalia San Nicolas Opena  
Vicente Santos San Nicolas - deceased  
Priscilla San Nicolas Cadag  
Francisco Santos San Nicolas  
Joseph Santos San Nicolas  
Agnes San Nicolas Abando  
Jesus Santos San Nicolas  
Robert Santos San Nicolas

There are also numerous other heirs to Lot No. 5132-1.

I will not be filing any consent nor waiver forms, of Hilario San Nicolas with the Department of Land Management waiving all interest in Lot No. 5132-1, and I will not consent to the transfer of Lot No. 5132-1 to

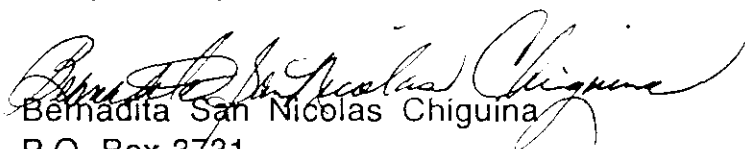
Maria San Nicolas Leon Guerrero-Cruz.

I will consent to the transfer of Lot 5132-1 to all the heirs of Hilario Bamba San Nicolas and Maria Guerrero San Nicolas.

In conclusion, please amend Bill no. 9 (LS) to include all rightful heirs of Hilario Bamba and Maria Guerrero San Nicolas.

Si Yu os Ma ase for your time and hope that you all consider the facts before you.

Respectfully,



Bernadita San Nicolas Chiguina

P.O. Box 3731

Agana, Guam 96932

TESTIMONY ON BILL NO. 9

BY: LILLIAN SAN NICOLAS OPENA

P.O. BOX 4830

AGANA, GUAM 96932

632-3283 HM.

475-0111/3 WRK.

MY NAME IS LILLIAN SAN NICOLAS OPENA, A RESIDENT OF DEDEDO AND THE DAUGHTER OF ROSALIA SAN NICOLAS OPENA, AND ATTORNEY-IN-FACT FOR MY MOTHER. MY MOTHER IS CURRENTLY OFF-ISLAND AND AN HEIR TO LOT NO. 5132-1 IN THE MUNICIPALITY OF DEDEDO. THE PROPERTY IS CURRENTLY KNOWN AS THE TUMON SAGAN POLICIA FRONTING MATAPANG BEACH PARK AND ADJACENT TO THE POLICE KOBAN.

I AM HERE TODAY REPRESENTING MY MOTHER ROSALIA SAN NICOLAS OPENA AND TO TESTIFY TO AMEND BILL NO. 9 INTRODUCED BY SENATOR ELIZABETH BARRETT-ANDERSON.

THERE ARE CURRENT ISSUES AND CONFLICTING CONCERNS ON THE  
"ESTATE OF HILARIO BAMBA SAN NICOLAS" AND I CITE THE  
FOLLOWING:

1. WE ARE CURRENTLY IN LITIGATION RELATING TO THE ESTATE  
OF HILARIO BAMBA SAN NICOLAS AND MARIA SAN  
NICOLAS. OUR ATTORNEY IS KATHERYN L. MONTAGUE  
FROM THE OFFICE OF HOWARD TRAPP FOR ANY INQUIRIES.
2. IF BILL NO. 9 SHOULD BE ADOPTED THEN IT SHOULD BE  
AMENDED AND TO REFLECT THE ORIGINAL HEIRS "HILARIO  
BAMBA SAN NICOLAS NOT MARIA SAN NICOLAS  
LEON GUERRERO CRUZ THIS PROPERTY SOLEY BELONGS  
TO THE ORIGINAL HEIRS OF "HILARIO BAMBA SAN  
NICOLAS" AND SHOULD BE CONVEYED TO THESE  
HEIRS AND NOT MARIA SAN NICOLAS LEON GUERRERO  
CRUZ.



3. MARIA SAN NICOLAS LEON GUERRERO CRUZ HAS NEVER APPROACHED ANY OF THE HEIRS OR ANY REPRESENTATIVES OF THE HILARIO BAMBA SAN NICOLAS IN REGARDS TO FILING OF CONSENT AND WAIVER FORMS BY THE HEIRS, NOR HAS SHE INFORMED THE HEIRS OF WAIVING THEIR INTEREST AS INDICATED IN BILL NO. 9 MRS. LEON GUERRERO CRUZ IS WELL AWARE THAT THE HEIRS WOULD NEVER CONSENT TO HER ACTIONS OR INTEREST TO THIS ESTATE.

4. SEVERAL ATTEMPTS WERE MADE TO MARIA LEON GUERRERO CRUZ REGARDING LOT NO. 5132-1, BUT HER ACTIONS WERE BELLIGERENT AND UNCOOPERATIVE AND REFUSES ANY SETTLEMENT AMONG HEIRS.

5. MARIA LEON GUERRERO CRUZ IS CURRENTLY EARNING INCOME ON THE PROPERTY 5132-1: FROM PEOPLE WHO PATRONIZED THE PARC HOTEL SUCH AS: TAXI CAB OPERATORS AND FROM THE FORMER GIFT SHOP OPERATORS AND PROBABLY MORE IN THE PAST WITHOUT ANY CONSENT FROM THE HEIRS. SHE HAS DECEIVED THE SAN NICOLAS FAMILY TOO LONG.
6. IT IS EVIDENT THAT MARIA LEON GUERRERO CRUZ ; WHOM HAD MANAGED TO CONVINCED EVERYONE THAT THE HEIRS HAVE AGREED TO CONSENTING AND WAIVING ALL RIGHTS TO HER PERSONALLY. THIS DEFINITELY IS NOT TRUE. IT SHOULD BE KNOWN, MR. CHAIRMAN, THAT THE REPRESENTATIVES OF THE HILARIO BAMBA SAN NICOLAS ESTATE ARE STILL ALIVE AND MAY BE SUMMONED FOR ADDITIONAL TESTIMONIES.

7. WHILE WE DO NOT AGREE TO THE TOTAL INTENT AND  
PURPOSES OF BILL NO. 9, WE STRONGLY REQUEST THE  
AMENDMENT TO CHANGE CONVEYANCE TO ALL HEIRS AND NOT  
TO MRS. MARIA LEON GUERRERO SAN NICOLAS CRUZ.  
  
(ONE MORE DISAPPOINTMENT WOULD BE MORE DEVASTATING  
TO THE SURVIVING ELDER HEIRS OF "HILARIO BAMBA SAN  
NICOLAS ").

IN CLOSING, MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE,  
I APPEAL TO YOU TO AMEND BILL NO 9 TO REFLECT THE  
RIGHTFUL ORIGINAL HEIRS OF THE HILARIO  
BAMBA SAN NICOLAS AND NOT MARIA SAN  
NICOLAS LEON GUERRERO CRUZ.

THANK YOU SENATORS FOR GIVING ME THIS OPPORTUNITY  
ON BEHALF OF THE HEIRS.



LILLIAN SAN NICOLAS OPENA

( P/s. SEE AHACH LIST OF HEIRS AND MAP OF 5132-1 )

NOTES:

ON-GOING LITIGATION

IN 1975 THE HILARIO BAMABA SAN NICOLAS ESTATE  
ASSIGNED FRANCISCO SAN NICOLAS TO BE THE ADMINISTRATOR  
OF THEIR PROPERTY 5132-R1 LOCATED IN THE CLIFF LINE, ACROSS  
5132-1 THE SAID PROPERTY BEING HEARD TODAY ON BILL NO. 9,  
BECAUSE OF FRAUDULENT ACTS WE ARE CURRENTLY IN LITIGATION  
SINCE 1989.

THE LONG WAIT TO CLEAR THE CLIFF LINE PROPERTY 5132-R1 HAS  
MANAGED TO CAUSE FRUSTATION, LONG HOURS IN THE COURT  
ROOM FROM ONE YEAR TO ANOTHER AND MEETINGS AFTER,  
MEETINGS WITH OUR ATTORNEY WHICH IS COSTING THE HEIRS A  
LOT OF MONEY. WE WOULD LIKE TO SEE POSITIVE RESULTS  
CONCERNING LOT NO. 5132-1 SUCH AS: AMEND BILL NO. 9 TO  
REFLECT RIGHTFUL HEIRS" HILARIO BAMBA SAN NICOLAS"

WHEREAS DURING THIS ON-GOING LITIGATION PROCESS SEVERAL  
HEIRS HAVE DIED AND NEVER SAW THE RESULTS OF THERE  
ESTATE, AND TO INCLUDE MY MOTHER WHO HAS GONE THROUGH  
TWO(2) HEART BY-PASS AND IS CURRENTLY UNDERGOING  
TREATMENT FOR HER HEART CONDITION IN THE STATE OF  
WASHINGTON ,

(E)

HOWARD TRAPP INCORPORATED  
200 Saylor Building  
139 Chalan Santo Papa  
Agaña, Guam 96910  
Telephone (671) 477-7000

Attorneys for plaintiffs

SUPERIOR COURT OF GUAM

-----

JOSEFA SAN NICOLAS QUICHOCHO,	(	Case No. CV 0112-89
et al.,	)	
	(	WITNESS LIST
Plaintiffs,	)	
	(	
vs.	)	
	(	
FRANCISCO I. SAN NICOLAS,	)	
	(	
Defendant.	)	

-----

Plaintiffs respectfully submit the following witness list:

1. Lourdes Q. Lujan  
Dededo, Guam
2. Rosa Q. Chicon  
Dededo, Guam
3. Olympia B. Quichocho  
Dededo, Guam
4. Lourdes Q. Perez  
Dededo, Guam
5. Florentina Q. Fejerang  
Sacramento, California
6. Franklin B. Quichocho  
Yigo, Guam

*J. C. J.*  
 AT 1989  
*Jc*  
 CHING 1157  
 CIVIL 1158

(WITNESS LIST)

Case No. CV 0112-89

7. Jeannette Q. Rhoads  
Dededo, Guam
8. Priscilla Quichocho  
Yigo, Guam
9. Catherine Q. Leon Guerrero  
Irvine, California
10. Peter B. Quichocho  
Dededo, Guam
11. Joseph Q. Lujan  
Dededo, Guam
12. Rosalia S.N. Opena  
Dededo, Guam
13. Vicente S. San Nicolas  
Dededo, Guam
14. Priscilla S.N. Cadag  
Dededo, Guam
15. Francisco S. San Nicolas  
Dededo, Guam
16. Jesus S. San Nicolas  
Dededo, Guam
17. Robert S. San Nicolas  
Dededo, Guam
18. Joseph S. San Nicolas  
Dededo, Guam
19. Agnes S.N. Aliando  
Mesa, Arizona
20. Bernadita S.N. Chiguina  
Sacramento, California
21. Remedio S.N. Chargualaf  
Sinajana, Guam
22. Emelia Palacios  
Agat, Guam

(WITNESS LIST)

Case No. CV 0112-89

23. Allan San Nicolas  
Inarajan, Guam
24. William San Nicolas  
Mangilao, Guam
25. Antonio San Nicolas  
Agat, Guam
26. Jose San Nicolas  
Seattle, Washington
27. Elizabeth San Nicolas  
Mangilao, Guam
28. Pilar Finona  
Merizo, Guam
29. Steven San Nicolas  
Merizo, Guam
30. Rita V. Aguon  
Hyundai Toto, Guam
31. Ana V. Blas  
Toto, Guam
32. Oscar J. Velasquez  
Mangilao, Guam
33. Vicente S.N. Velasquez  
Dededo, Guam
34. Andres S.N. Velasquez  
Sinajana, Guam
35. Patricia V. Camacho  
Tucson, Arizona
36. George S.N. Velasquez  
Toto, Guam
37. Anthony S.N. Velasquez  
Tucson, Arizona
38. Elias C. San Nicolas  
Leeville, Louisiana




(WITNESS LIST)

Case No. CV 0112-89

39. Jesusa P. San Nicolas  
Dededo, Guam
40. Patrick San Nicolas  
Dededo, Guam
41. Mary San Nicolas  
Dededo, Guam
42. Vicente C. San Nicolas  
Tamuning, Guam
43. Maria C. San Nicolas  
Tamuning, Guam
44. Juan C. San Nicolas  
Tamuning, Guam
45. Fermin C. San Nicolas  
Tamuning, Guam
46. Jesusa S.N. Santos  
Tamuning, Guam

Dated, Agana, Guam,

August 27, 1996.

  
FOR KATHRYN L. MONTAGUE  
For HOWARD TRAPP INCORPORATED  
Attorneys for plaintiffs

**TESTIMONY**

**BILL 9**

**FEBRUARY 28, 1997**

**COMMITTEE ON LAND, HOUSING, AGRICULTURE,  
PLANNING, COMMUNITY AND HUMAN RESOURCE  
DEVELOPMENT**

**TWENTY-FOURTH GUAM LEGISLATURE**

GOOD MORNING. I AM HERE BEFORE THIS COMMITTEE TO GIVE  
TESTIMONY TO BILL 9:

**“AN ACT TO AUTHORIZE THE GOVERNOR TO CONVEY LOT  
NO. 5132-1, MUNICIPALITY OF DEDEDO TO THE HEIR OF  
HILARIO BAMBA SAN NICOLAS AND MARIA SAN NICOLAS,  
THE ORIGINAL LANDOWNERS.”**

MY NAME IS MARIA SAN NICOLAS LEON GUERRERO-CRUZ. I AM THE  
OLDEST OF NINE (9) CHILDREN BORN FROM THE MARRIAGE OF JUAN  
GUERRERO SAN NICOLAS AND ROSA DELGADO SAN NICOLAS. OUR  
FATHER, JUAN GUERRERO SAN NICOLAS, IS THE SON OF HILARIO  
BAMBA SAN NICOLAS AND MARIA GUERRERO SAN NICOLAS, AND  
THE HEIR OF LOT 5132-1.

IF MY FAMILY AND I LOOK FAMILIAR TO SOME OF YOU IT IS  
BECAUSE WE HAVE APPEARED ON PREVIOUS OCCASSIONS BEFORE  
SIMILAR ASSEMBLIES FOR MUCH THE SAME REASON: TO PLEAD AND  
ASK FOR SUPPORT TO CORRECT AN INJUSTICE, AND TO RIGHT A  
LONG-STANDING WRONG THAT MY FAMILY HAS HAD TO ENDURE  
FOR OVER 46 YEARS. WE THANK YOU FOR THE OPPORTUNITY TO  
PRESENT OUR CAUSE AND TO ONCE AGAIN RAISE THE HOPE AND  
THE DREAM THAT OUR FAMILY CAN FINALLY GATHER AND LIVE ON  
THE LAND OF OUR PARENTS. A LAND THAT HAS BEEN

ENCUMBERED FOR OVER FOUR DECADES FOR NO APPARENT REASON; THEN BY OUR NATIONAL GOVERNMENT AND NOW BY OUR ISLAND GOVERNMENT.

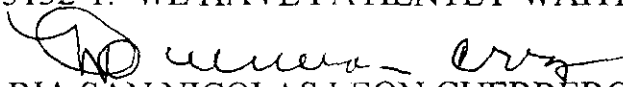
FOR MANY YEARS, MY BROTHERS, SISTERS, AND I HAVE BEEN CLOSELY WORKING TOGETHER TO FIND AND TALK WITH ANYONE WILLING TO TAKE THE TIME LISTEN TO US. WE HAVE TRIED USING REASON, LOGIC, AND HAVE APPEALED TO A PERSON'S SENSE OF "RIGHT AND WRONG."

WE PRAY AND HOPE THAT THIS HEARING TODAY AND RECENT ATTENTION GIVEN TO LAND ISSUES, ARE ENCOURAGING SIGNS THAT OUR EFFORTS HAVE NOT BEEN IN VAIN. WE PRAY THAT BILL 9 WILL FREE THE ONE AND ONLY ASSET OUR POOR PARENTS COULD AFFORD TO PASS ON TO THEIR CHILDREN, THEIR PROPERTY; THE ONLY PARCEL OF LAND AND THE ONLY INHERITANCE OUR PARENTS POSSESSED; PROPERTY THAT WAS TAKEN THROUGH AN ACT OF CONDEMNATION TO BE USED TO SERVE THE RECREATIONAL NEEDS OF OUR NATION'S MILITARY PERSONNEL. ADDED TO THIS WAS THE PROMISE THAT THE LAND WOULD BE RETURNED ONCE IT SERVED ITS PURPOSE. THIS PROPERTY WAS NEVER USED, NEVER NEEDED, AND HAS NOT BEEN RETURNED. THOUGH WE NEVER ABANDONED THE PROPERTY WE WERE DENIED THE RIGHT TO OWNERSHIP AND ITS FULL USE.

AS SUBMITTED IN PREVIOUS TESTIMONIES, THE EFFORTS OF OUR FAMILY HAS TAKEN OUR PLIGHT TO THE DOORS AND OFFICES OF MANY OF OUR ISLAND'S POLITICAL AND CIVIC LEADERS. WE HAVE SPENT UNTOLD HOURS TALKING TO YOU AND YOUR PREDECESSORS. MANY HAVE BEEN SYMPATHETIC WITH OUR PROBLEM AND HAVE BEEN SUPPORTIVE IN VARIOUS WAYS. BUT, IN SPITE OF EVERYONE'S GOODWILL AND MORAL SUPPORT, WE HAVE YET TO SEE THE

RETURN OF OUR FATHER'S PROPERTY. OUR STRUGGLE HAS GONE ON FOR FIFTY (50) YEARS. SINCE THE CONDEMNATION IN 1950, BOTH OUR PARENTS , TWO BROTHERS AND TWO SISTERS HAVE PASSED AWAY.

MY FAMILY IS HOPING FOR THE PASSAGE OF BILL 9. WE ASK THAT THE BILL BE AMENDED TO COMPEL, AND NOT JUST AUTHORIZE, THE GOVERNOR TO RETURN LOT 5132-1. WE HAVE PATIENTLY WAITED A LONG TIME.

  
MARIA SAN NICOLAS LEON GUERRERO-CRUZ

**RONALD E. TEEHAN, Jr.**

P.O. Box 170142

Inarajan, Guam 96917

Ph/FAX: 789-GUAM

February 28, 1997

**Testimony on Bill No.'s 9**

before the

**Committee on Agriculture, Land, Housing,  
Community Planning and Human Resources Development**

Mr. Chairman, I wish to thank you and the members of the Committee for this opportunity to provide testimony on Bill No. 9.

Mr. Chairman, what we have here is an extremely unique situation. It is, as well, another example of the complexity of land taking issues which have plagued our community for the past fifty years.

Prior, during and subsequent to the time of taking of Lot No. 5132-1 by the federal government, the San Nicolas family has steadfastly defended their claim to their property by actually remaining on their property. This claim and physical occupation has been maintained to this day. Neither the federal government nor the government of Guam has moved to challenged their possession and beneficial use of this lot. By default, for want of any action to remove them, it could be argued that we have acknowledged and validated their claim.

This is not a situation of squatters seeking to lay claim to land that was never theirs. Nor, due to the circumstances and conduct of the federal land taking in the 1940's, can it be clearly argued that the San Nicolas interests have been extinguished. Pursuant to local laws we have as a community recognized that there is in fact an un-extinguished claim by original landowners as to their patrimony.

The removal of the San Nicolas family from their land will not serve any beneficial purpose to a community which continues to struggle with these issues. As a matter of fact, they are seen as heroes by many Chamorros who applaud their steadfast tenacity against incredible odds. They have stood fast against governments and the pressures of developers. Even more incredible is the fact that they did it in one of the most visible locations on Guam.

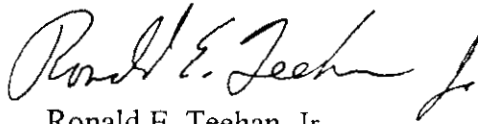
We have seen many heated demonstrations over land issues. Though more to the peaceful style of Mahatma Ghandi, you could say that this is the longest sit-in in the post-war history of the Chamorro people. It is my belief that nothing short of a full assault,

handcuffs and stretchers would ever remove them. It is my sincere hope that this would never occur. Let us do the humane thing and acknowledge what is rightly theirs.

I thank you Mr. Chairman.

<sup>↑</sup>  
pursuant to law

RS7



Ronald E. Teehan, Jr.

FERMIN CHIGUINA SAN NICOLAS vs. MARIA SAN NICOLAS LEON GUERRERO-CRUZ

I, FERMIN CHIGUINA SAN NICOLAS SON OF THE LATE ANTONIO GUERRERO SAN NICOLAS HEREBY TESTIFY THAT THE PROPERTY IN QUESTION LOT #5132-1 SITUATED IN TUMON, MUNICIPALITY OF DEDEDO WAS TAKEN FROM THE HEIRS OF THE PROPERTY WITHOUT OUR CONSENT OR KNOWLEDGE. I BELIEVE THAT MARIA S.N. LEON GUERRERO-CRUZ IS NOT THE ONLY HEIR TO THAT PROPERTY. I ALSO FEEL THAT IS JUST AND FAIR THAT THE SAID PROPERTY BE RETURNED TO THE RIGHTFUL OWNERS OR HEIRS OF THE LATES HILARIO BAMBA SAN NICOLAS AND MARIA SAN NICOLAS AND NOT JUST MARIA S.N. LEON GUERRERO-CRUZ OR THE GOVERNMENT OF GUAM SINCE THEY ARE NOT THE RIGHTFUL OWNERS.

I FULLY WOULD LIKE THE HILARIO FAMILY TO REUNITE AND NOT HAVE ANY ILL FEELINGS AGAINST MARIA S.N. LEON GUERRERO-CRUZ

## Testimony on Bill no. 9

Testimony on the act to authorize the Governor to convey Lot no. 5132-1, municipality of Dededo to the heir of Hilario Bamba San Nicolas and Maria Guerrero San Nicolas, the original landowners.

Good morning Senator John Salas, Chairman, Committee on Land and members of the committee.

I am Priscilla Santos San Nicolas Cadag, one of the heirs of Hilario Bamba San Nicolas and Maria Guerrero San Nicolas and including by brothers and sisters who are: Rosalia San Nicolas Opena, Francisco Santos San Nicolas, Joseph Santos San Nicolas, Agnes San Nicolas Abando, Bernadita San Nicolas Chiguina, Jesus (Edward) Santos San Nicolas, and Robert Santos San Nicolas.

I am here to testify against Bill no. 9 to convey Lot no. 5132-1 to be conveyed to Maria San Nicolas Leon Guerrero-Cruz who also is an heir of Hilario Bamba and Maria Guerrero San Nicolas because there are other heirs to this property and most especially that the said property to be conveyed actually has been given to my parents, Joaquin Guerrero and Regina Santos San Nicolas.

Lot no. 5132-1 through the traditional way our ancestors give lands to their children, which is all verbal understanding, was given to my parents Joaquin Guerrero and Regina Santos San Nicolas, where there presently now is a wooden structure home built on it.

Lot no. 5132-1 was condemned by the U.S. Government in 1950 for recreational uses and then returned back to the Government of Guam in 1974. Prior to 1974, the family continued to use the land because the said area utilized by the U.S. Government was the beach area as they had intended in the condemnation. Because of the fact that the military never really made any attempts to physically remove the family from occupying this property is also an understanding that living on it was o.k.



Attempts to build a house by my brother, Francisco Santos San Nicolas (was left vacant for many years) on this land in the 1970's was stopped by cousin Francisco San Nicolas and Maria San Nicolas Leon Guerrero-Cruz because it is condemned land. It puzzled the family because why just at that time was the concern of the condemned land an issue, but not an issue during the 1950's and on. Of course my brother did not proceed with the structure and instead had no choice than to build his home across the street where all the my family members lived.

Lot no. 5132-1 should be conveyed back to my family who has been rightfully given to my parents and now as heirs, that the Government of Guam, the Governor, should convey this property to Rosalia San Nicolas Opena, Priscilla San Nicolas Cadag, Francisco Santos San Nicolas, Joseph Santos San Nicolas, Agnes San Nicolas Abando, Bernadita San Nicolas Chiguina, Jesus Santos San Nicolas and Robert Santos San Nicolas.

Si Yu'os Ma'ase for hearing my testimony, and it is only right that the land being returned or transferred must be returned to the rightful owners. Should this conveyance bring any additional problems, please remember, there are other heirs involved. These heirs are our children and they will continue to make the efforts of Bill no. 9 be given the fair judgement it should be given.

Respectfully,

Priscilla San Nicolas Cadag  
194 Loreta St.  
Dededo Village

LAW OFFICES  
**HOWARD TRAPP INCORPORATED**

HOWARD TRAPP  
KATHRYN L. MONTAGUE

200 SAYLOR BUILDING  
139 CHALAN SANTO PAPA  
AGAÑA, GUAM 96910  
TELEPHONE (671) 477-7000  
TELECOPIER (671) 477-2040

**COVER PAGE**

DATE: February 28, 1997 TIME: 08:28 am

NUMBER OF PAGES TRANSMITTED (INCLUDING THIS COVER PAGE): four

TO: Senator John Salas

ADDRESS: \_\_\_\_\_

YOUR TELECOPIER NUMBER: 472-3585

FROM: KATHRYN L. MONTAGUE/Renate, Secretary

RE: Bill 9

DOCUMENT(S) TRANSMITTED: Memorandum

COMMENTS: URGENT Legislative hearing 9am.

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LAW OFFICES

HOWARD TRAPP INCORPORATED

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TELEPHONE (671) 477-7000  
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HOWARD TRAPP  
KATHRYN L. MONTAGUE

TO: SENATOR ELIZABETH BARRETT-ANDERSON and  
SENATOR JOHN SALAS

RE: BILL 9

February 27, 1997

FROM: KATHRYN L. MONTAGUE, Attorney  
LAW OFFICE OF HOWARD TRAPP, INCORPORATED

I will not be able to attend the legislative hearing on Bill 9 which has been scheduled for Friday, February 28, 1997 at 9:00 am. I expect that some of my clients will attend the hearing. I currently represent dozens of the heirs of Hilario and Maria San Nicolas in the Superior Court of Guam.

There is a case filed in Superior Court which is scheduled for trial before the Honorable Benjamin J. F. Cruz in September, 1997, concerning the duties and obligations of Francisco San Nicolas, as administrator of the estates of Hilario and Maria San Nicolas. I am prepared to provide you with copies of the complaint in this case which was filed in 1989. The basic allegations of the complaint are that Mr. San Nicolas failed to legally distribute the assets of the estate at the time the final distribution was approved by the court. One of the assets of that estate was Lot 5132-1, Tumon. It appears that this is the same lot being considered in the discussion of Bill 9.

MEMORANDUM TO SENATORS SALAS AND BARRETT-  
ANDERSON

February 27, 1997

page 2 of 3

The clients I represent do not consent to the conveyance of Lot 132-1, Tumon, to maria San Nicolas Guerror-Cruz. Bill 9 would completely frustrate the court's attempt to do justice to all the people involved in this litigation, and would result in a miscarriage of justice to the heirs who have diligently worked to protect their legal rights in this property. Unless the legislature is prepared to do justice all of the heirs of the estate, I recommend that the matter be left to the actions of the court, where it currently rests.

Please advise me if there will be continued dates for legislative hearings on this bill or if there is additional information which the Legislature needs regarding the estate or the lot. I am willing to appear in a hearing which is scheduled at a time when I am not scheduled to be in court. My court hearings are scheduled for the next three weeks, but I am willing to try to reschedule if I have enough notice to contact the court and the other attorneys involved in a case.

I believe that my clients and the court file have important information for the Legislature. Please contact me at your convenience. I look forward to hearing from you.

MEMORANDUM TO SENATORS BARRETT-ANDERSON and  
SALAS

February 27, 1997

page 3 of 3

Thank you for your consideration of this information. I look forward to giving you more information, so that the Legislature has all the information it should have in making a decision regarding this issue.

cc: Lillian S. N. Opena  
Bernadita S. N. Chiguina  
Joseph S. N. Chargualaf

# Chamorro Land Trust Commission

Carol A. Ibanez, Chairperson  
Rita C. Okada, Commissioner  
John Q. Finona, Commissioner  
Joseph T. Gumataotao, Commissioner  
Tomas T. Aguon, Commissioner

Joseph M. Borja  
Administrative Director  
  
Lydia T. Cruz  
Deputy Administrative Director

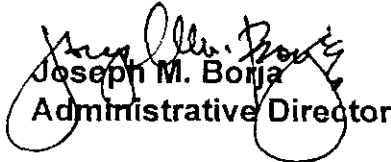
28 February 1997

TO: Senator John Camacho Salas  
Chairman

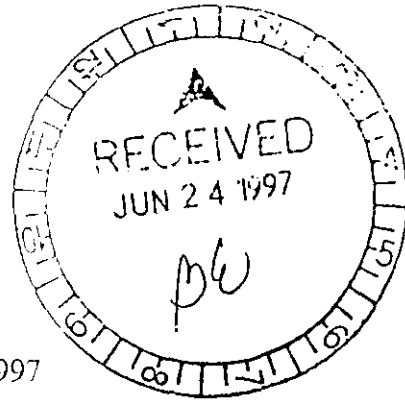
FR: Joseph M. Borja  
Administrative Director

RE: Commission testimony on Bill 9

Relative to Section 4 of Bill 9, any and all moneys derived should be deposited in Department of Administration Account No. 341152101 for the use of the Chamorro Land Trust Commission.

  
Joseph M. Borja  
Administrative Director

HEIRS OF HILARIO BAMBA SAN NICOLAS  
and MARIA GUERRERO SAN NICOLAS  
c/o 283 Redondo Luchan  
Dededo, Guam 96912  
Phone: 637-4842 or 472-7227



June 24, 1997

The Honorable Senator John Salas  
Chairman, Committee on Land, Housing,  
Agriculture, Planning, Community and  
Human Resource Development  
24<sup>th</sup> Guam Legislature  
Agana, Guam 96910

and Member of the Committee

**RE: AMENDMENT TO BILL NO. 9  
AN ACT TO AUTHORIZE THE GOVERNOR TO CONVEY  
LOT NO. 5132-1, SITUATED IN TUMON, MUNICIPALITY OF DEDEDO  
TO THE HEIRS OF HILARIO BAMBA SAN NICOLAS AND  
MARIA GUERRERO SAN NICOLAS, THE ORIGINAL LAND OWNERS**

Dear Senator Salas:

As the remaining surviving heirs of HILARIO BAMBA SAN NICOLAS AND MARIA GUERRERO SAN NICOLAS, original land owners of Lot No. 5132 and 5125, (Tumon) Dededo, Guam, we solicit your patience, understanding and consideration in persuading the members of your committee and yourself to favorably report to the legislature as a whole the intent of Bill No. 9, as amended.

In support of this request, we offer the following undisputed facts. 1) Prior to 1950 and continuing to the present, certain members of the San Nicolas' family have and continue to physically occupy Lot No. 5132 and 5125, Tumon. 2) Neither the United States of America nor the Government of Guam have evicted or attempted to evict the San Nicolas' from Lots 5132 and 5125. 3) Although the United States of America condemned Lots 5132 and 5125 in 1950 under District Court of Guam, Civil Case No. 26-50 and subsequently transferred title to the Government of Guam in 1974, no action to have the San Nicolas' vacate the premises was taken. 4) Neither Lots 5132 and 5125 have been transferred to the Chamorro Land Trust Commission.

The physical occupation of Lots 5132 and 5125 by certain family members of the

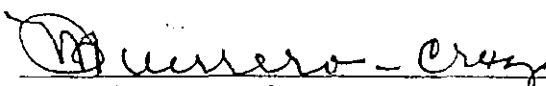
SanNicolas' continues to express the sentimental value we cherished over the subject lots. Some twenty-five years after the United States Government condemned these lots, the Department of Interior transferred the lots to the Government of Guam because they no longer have any recreational use of the properties. The Government of Guam since then still does not have any compelling use of the properties and continues to remain occupied by the San Nicolas'. The original amount purported to be withdrawn under the condemnation proceedings in 1950 and the land claims proceeds under Civil 81-0112 are but a token rental by the United States Government for their occupation and use of the properties for recreational purposes.


We have every confidence in your leadership in this important committee, particularly the active role that Senator Elizabeth Barrett-Anderson has taken as the author of the bill, and that together with the members of the committee you will all support the intent of the amended version of Bill No. 9. We request for an audience with you and members of the committee when you will report the bill to the floor.

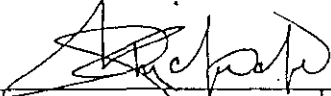
We further intend on personally soliciting the other members of the 24<sup>th</sup> Guam Legislature for their support on this important bill when it comes on the floor for a vote. Also, please find attached to this letter a list of more than 200 signatures from the Heirs of Hilario Bamba and Maria Guerrero San Nicolas indicating their endorsement and support of Bill No. 9, as amended.

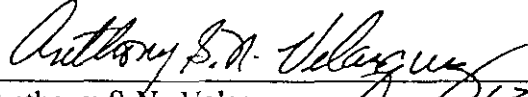
In conclusion, we wish to applaud your leadership and persuasion, the committee's sensitiveness and concern to finally right the wrong and the injustice that we have long endured the past 50 years.


Sincerely,

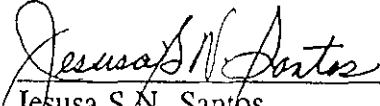
  
Maria S.N. Leon Guerrero-Cruz  
Heirs of Juan G. San Nicolas 653-5890

  
Higenio I. San Nicolas 632-4363  
Heirs of Francisco G. San Nicolas

  
Priscilla J.B. Quichocho 472-7227  
Heirs of Josefa S.N. Quichocho

  
Anthony S.N. Velasquez 632-3747  
Heirs of Vicente G. San Nicolas

  
Bernadita S.N. Chiguina 637-2389  
Heirs of Joaquin G. San Nicolas

  
Jesusa S.N. Santos 632-6039  
Heirs of Antonio G. San Nicolas

Attachments

cc: Senator Elizabeth Barrett-Anderson