



Commonwealth of the Northern Mariana Islands
Office of the Governor
Saipan, Mariana Islands 96950

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REPLY TO:

DEPT. or ACTIVITY

The Honorable Benigno R. Fitial
Speaker, House of Representatives
Third Northern Marianas Commonwealth
Legislature
Saipan, CM 96950

and

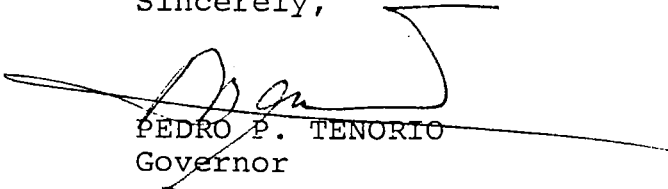
The Honorable Olympio T. Borja
President of the Senate
Third Northern Marianas Commonwealth
Legislature
Saipan, CM 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No. 94, H.D.1, S.D.3, C.D.1, entitled, "To establish an independent Land Commission, to provide procedures for the registration of land, to provide procedures for disputed claims, to repeal Sections 101 through 120 of Title 67 of the Trust Territory Code, and for other purposes," which was adopted by the Third Northern Marianas Commonwealth Legislature.

House Bill No. 94, H.D.1, S.D.3, C.D.1 becomes Public Law No. 3-79. Copies bearing my signature are forwarded for your ready reference.

Sincerely,


PEDRO P. TENORIO
Governor

CC: Special Assistant for Programs and Legislative Review

THIRD NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
FOURTH REGULAR SESSION, 1983

AN ACT

To establish an independent Land Commission, to provide procedures for the registration of land, to provide procedures for disputed claims, to repeal Sections 101 through 120 of Title 67 of the Trust Territory Code, and for other purposes.

Introduced by Representatives: Misael H. Ogo, Miguel M. Sablan, Juan B. Tudela
Jose M. Taitano, Francisco T. Cabrera, Juan B. Camacho,
Jesus A. Sonoda, Martin M. Taisacan, and Vicente M. Sablan

Date: February 10, 1982

HOUSE ACTION

Referred to: Committee on Judiciary and Governmental Operations

Standing Committee Report No. 3-119

First and Second Reading: March 23, 1983

Final Reading: August 30, 1983

SENATE ACTION

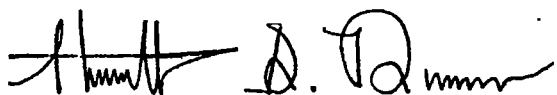
Referred to: Committee on Judiciary, Government and Law

Standing Committee Report Nos. 3-230 and 3-240

First Reading: June 16, 1983

Second Reading: July 7, 1983

Final Reading: August 31, 1983


Herbert S. Del Rosario
Chief Clerk
House of Representatives

FIRST REGULAR SESSION, 1982

AN ACT

To establish an independent Land Commission, to provide procedures for the registration of land, to provide procedures for disputed claims, to repeal Sections 101 through 120 of Title 67 of the Trust Territory Code, and for other purposes.

BE IT ENACTED BY THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Short Title. This Act may be cited as the "Land
2 Commission Act of 1983."

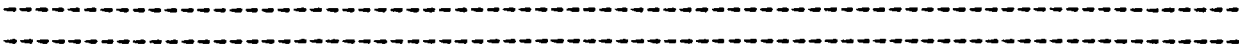
3 Section 2. Establishment. A Land Commission is established as an
4 independent agency of the Government of the Commonwealth of the Northern
5 Mariana Islands.

6 Section 3. Purpose. The Land Commission shall proceed on a
7 systematic geographical basis to promptly register all land within
8 the Commonwealth. The Land Commission shall give priority to the
9 surveying of those lands to which the Trust Territory Government
10 issued title determination without surveys.

11 Section 4. Senior Land Commissioner. The Governor shall
12 appoint a Senior Land Commissioner for the Land Commission with the
13 advice and consent of the Senate who shall serve at the pleasure of
14 the Governor for a term of six years or until the Land Commission
15 completes its work. Any vacancy caused by death, resignation,
16 removal, or otherwise, shall be filled in the same manner as in the
17 original appointment.

18 Section 5. Duties, Responsibilities and Functions of the Senior
19 Land Commissioner.

20 (a) The Senior Land Commissioner shall have the
21 following responsibilities:



- 1 (1) To make land surveys and plats in the
2 Commonwealth in connection with the determination
3 of land title;
- 4 (2) To hold hearings on disputed land claims;
- 5 (3) To issue certificates of title;
- 6 (4) To record certificates of title of land with
7 the Recorder;
- 8 (5) To record all documents previously registered
9 with the Recorder;
- 10 (6) To issue and adopt rules and regulations
11 implementing the provisions of this Act with the full
12 cooperation, assistance, and approval of the Office of
13 the Attorney General. The Senior Land Commissioner
14 shall issue preliminary rules and regulations within 3
15 months after his appointment; and
- 16 (7) To perform all acts as may be necessary to
17 carry out the purposes of this Act.
- 18 (b) The Senior Land Commissioner may appoint two Deputy
19 Land Commissioners and may delegate any of his duties and
20 responsibilities to them.
- 21 (c) Subject to budgetary appropriation, the Senior Land
22 Commissioner may recruit such employees as are necessary to
23 accomplish the purposes of this Act.
- 24 (d) Upon request of the Senior Land Commissioner, the
25 Division of Lands and Survey of the Department of Natural

1 Resources shall make available such surveying and other staff
2 assistance as the Senior Land Commissioner deems necessary.

3 Section 6. The Appointment of Land registration teams; conflicts
4 of interest.

5 (a) The Senior Land Commissioner may appoint land
6 registration teams as necessary and designate the area or
7 areas for which each team shall be responsible. Members of
8 these teams shall be hired by the Senior Land Commissioner
9 on an as needed basis and not as classified civil service
10 employees, unless the members were civil service employees
11 prior to the effective date of this Act. Such employees
12 shall remain within the civil service system until they
13 retire or voluntarily choose exempt status. The Senior
14 Land Commissioner may appoint any number of members for
15 each team up to a maximum of four members, but the
16 presence of three members shall constitute a quorum for
17 the purpose of transacting business.

18 (b) After a claim as been recorded by a team has
19 provided in Section 10 of this Act, no member who has any
20 interest in the land claim or who is an immediate family
21 member of anyone having such an interest shall take any
22 part in hearing or considering that claim. If there is
23 doubt as to whether he is disqualified from taking part
24 as to the claim, the Senior Land Commissioner shall have
25 final authority to decide whether he may participate.

1 Section 7. Designation of registration areas. The Senior Land
2 Commissioner shall designate a registration area or areas within which
3 he believes it will be desirable and practicable to register within
4 a year most of the land, including all that concerning which there
5 are no major disputes. When work in any designated registration area
6 has been completed except for disputed cases, or when work in any
7 designated registration area cannot be completed within one year and
8 in the opinion of the Senior Land Commissioner the public interest
9 would be served by moving to a new registration area or areas, the
10 Senior Land Commissioner may designate a new registration area or
11 areas and so on until all parts of the Commonwealth in which the
12 Senior Land Commissioner believes it will be desirable to have lands
13 registered have been so designated.

14 Section 8. Filing of designation of registration area; actions
15 concerning lands in designated areas. A copy of the Senior Land
16 Commissioner's designation of any registration area shall be filed
17 with the Recorder of the Commonwealth Trial Court and thereafter
18 the court shall not entertain any action with regard to interests
19 in land within that registration area without a showing of special
20 cause why action by the court is desirable before it is likely a
21 determination can be made on the matter by the Land Commissioner.
22 If the court entertains the action, it shall notify the Senior
23 Land Commissioner promptly that it has decided to entertain the
24 action, describing the land involved as accurately as practicable.

1 Section 9. Survey and establishment of boundaries in designated
2 registration areas. Upon the designation of a registration area, it
3 shall be the duty of the Senior Land Commissioner to cause an accurate
4 survey to be made of the exterior bounds of the area and thereafter to
5 make such surveys of plots or claim and place such markers within the
6 area as the Senior Land Commissioner may direct; Provided, that after
7 a determination is made by the Senior Land Commissioner, the boundaries
8 of the land covered by each determination shall be shown by either
9 permanent markers or by easily recognizable, natural features.

10 Section 10. Land registration teams; duties generally.

11 (a) A Land registration team shall:

12 (1) Upon its appointment, institute a preliminary
13 inquiry regarding the title to all lands claimed by
14 individuals, families, or otherwise, within the area
15 for which it is responsible and, if satisfied that
16 such claims are well-founded, shall record the same
17 for hearing.

18 (2) When the recording of such claims has been
19 completed for the area, proceed, after notice, to hear
20 the parties and witnesses and adjudicate such claims,
21 subject to the exceptions provided in this Act.

22 (3) On a decision being reached on any claim,
23 record the place name, if any, of the land, otherwise
24 a brief description thereof, together with the names
25 of individuals, families, or other bodies found to be

1 the rightful owners thereof and the type of ownership
2 involved, and shall also record the name of any person
3 or group who holds either any subordinate rights (such
4 as rights of administration or use or an encumbrance
5 or easement with respect to such land).

6 (b) Where the parties to any claim indicate their
7 agreement to a settlement or compromise in the presence of the
8 team, the particulars required by subsection (a)(3) of this
9 section shall be recorded and shall have the same force and
10 effect as a decision under this section.

11 (c) Upon completion of the actions set forth in subsections
12 (a) and (b) of this section, the team shall submit its record
13 concerning the claim to the Senior Land Commissioner for review.
14 In all cases where a dispute has arisen, tape recordings or
15 summaries of all pertinent testimony taken shall be made and
16 shall be included in the team's record.

17 Section 11. Settlement of disputed claims.

18 (a) Each land registration team shall endeavor to
19 adjudicate the claims to as much land within the area for which
20 it is responsible as is practicable within a year after that
21 area has been designated. It shall endeavor to avoid becoming
22 involved in such lengthy consideration of disputed claims as
23 will seriously interfere with such adjudication.

24 (b) If the land registration team deems that consideration
25 of a disputed claim will seriously interfere with accomplishment

1 of the purpose of this Act, it may refer the claim to the Senior
2 Land Commissioner without the teams making any decision thereon.

3 (c) If the Senior Land Commissioner deems that one of the
4 teams is spending an undesirable amount of time on a particular
5 disputed claim, he may withdraw that claim from consideration by
6 the team.

7 (d) In either of the situations set forth in subsections
8 (b) and (c) of this section, the team shall submit to the Senior
9 Land Commissioner its record concerning the claim including the
10 tape recordings or summaries of all pertinent testimony, if any,
11 taken by the team, and the Senior Land Commissioner may then
12 proceed himself to hear the parties and witnesses and make a
13 determination on the claim based on both the testimony, if any,
14 taken by the team and that taken by the Deputy Land Commissioner,
15 or the Senior Land Commissioner may refer the claim to the
16 Commonwealth Trial Court for adjudication without any
17 determination by the Deputy Land Commissioner.

18 (e) If a claim has been referred by the Senior Land
19 Commissioner to the Commonwealth Trial Court without any
20 determination by the Deputy Land Commissioner, the Commonwealth
21 Trial Court may, upon the petition of one or more claimants,
22 entertain a quiet title or other appropriate action. After the
23 time for appeal from the Court's decision has expired without any
24 notice of appeal having been filed or after an appeal duly taken
25 has been determined, the Court shall certify its decisions, as

1 modified by the Appellate Division if that has happened, and
2 cause its decision to be recorded with the Recorder.

3 Section 12. Review of record of adjudication by the Senior
4 Land Commissioner. Upon a receipt of an adjudication from a land
5 registration team and the record on which it is based, the Senior Land
6 Commissioner shall review the record and shall:

7 (a) If satisfied therewith, make a determination of
8 ownership based thereon; or

9 (b) Hold further hearings himself with the assistance of
10 counsel from the Office of the Attorney General and then make a
11 determination of ownership based on the record and the further
12 information obtained by the Senior Land Commissioner.

13 Section 13. Notice of hearing.

14 (a) Before the commencement of a hearing with respect to
15 any claim, notice containing a description of the claim and the
16 date, time, and place of hearing shall be given at least 30 days
17 in advance of the hearing as follows:

18 (1) By posting such notice on the land involved; and

19 (2) By serving such notice upon all parties shown by
20 the preliminary inquiry to be interested either:

21 (A) By service in the same manner as a civil
22 summons, or

23 (B) By registered mail, postage prepaid, to
24 the party's last known address.

25 (b) Such notice and notices of determinations of ownership

1 under Section 17 of this Act shall be served by any policeman
2 without charge. During the period between the giving of notice
3 under this Act and the hearing, any person or group claiming an
4 interest in the land adverse to the claim as stated in the
5 notice may file their claim with the Senior Land Commissioner.
6 Notice of such adverse claims may also be given orally at the
7 hearing, and a record thereof shall be made.

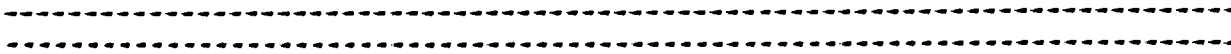
8 Section 14. Authority of Senior Land Commissioner and
9 registration teams to administer oaths, take testimony, etc. The
10 Senior Land Commissioner and each of its land registration teams
11 shall have the authority to administer oaths to witnesses, take
12 testimony under oath, subpoena witnesses, order the production of
13 papers and documents, and punish for contempts committed in its
14 presence. Punishment for contempt shall be limited to a fine of
15 not more than 50 dollars, or imprisonment for a period of not more
16 than 30 days, or both.

17 Section 15. Conduct of hearings. In conducting hearings, the
18 Senior Land Commissioner and each land registration team shall be
19 guided by its procedural regulations, if any, or in the absence
20 thereof, the Commonwealth Trial Court Rules of Civil Procedure. The
21 Senior Land Commissioner and each registration team is authorized to
22 consider any evidence that will be helpful in reaching a just decision.
23 Neither the Senior Land Commissioner nor a land registration team,
24 however, shall endeavor to redetermine any matter already decided
25 between the same parties or those under whom the present parties claim
26 by a court judgment or by a Land Title Officer's Determination of

1 Ownership. The Senior Land Commissioner and land registration teams
2 shall accept prior determinations as binding on the parties without
3 further evidence than the judgment or determination of ownership.
4 All hearings shall be public and every person claiming an interest in
5 land under consideration shall be given an opportunity, by notice
6 pursuant to Section 13 of this Act, to be heard. Hearings shall be
7 held in the Senatorial District in which the land involved lies. All
8 parties, including any representative (appointed under Section 16 of
9 this Act or by a court or other proper authority) of a minor or
10 incompetent, may be represented and assisted by counsel.

11 Section 16. Hearings involved minors or incompetents. If the
12 Senior Land Commissioner or a land registration team finds that any
13 party in interest is a minor or incompetent, the Senior Land
14 Commissioner or team, as the case may be, shall appoint one person to
15 act as guardian and represent such minor or incompetent, unless he is
16 already represented by a person appointed by a court or other proper
17 authority. A guardian appointed by the Senior Land Commissioner or
18 team shall have full authority and power to act for the minor or
19 incompetent in all matters in connection with his interest in land;
20 Provided, that a guardian may not encumber or in any way alienate any
21 land under his guardianship except by an order of the court.

22 Section 17. Notice of determination of Ownership. Notice of all
23 determinations of ownership by the Senior Land Commissioner shall be
24 given promptly in the same manner as prescribed in Section 13 of this
25 Act for notices of hearings.



1 Section 18. Review of Determination of Ownership. Any
2 person who has actual or constructive notice of the determination of
3 ownership and who claims an interest in the property which is the
4 subject of the determination of ownership and who disagrees with the
5 determination of ownership may file for a review of the determination
6 of ownership by filing a complaint in the Commonwealth Trial Court
7 within 120 days from the date of the determination. The complaint
8 shall be in the nature of a quiet title suit and shall set forth the
9 description of the property, the determination of ownership, the
10 portion or parts to be reviewed, and the basis of the plaintiff's
11 claim. The complaint shall name as defendants all those persons
12 known to the plaintiff who claim an interest in the land. A
13 determination of ownership shall be upheld if it is supported by
14 substantial evidence found in the record taken as a whole including
15 the record before the Land Commission and such additional evidence
16 as shall be admitted before the Commonwealth Trial Court. The
17 procedures of the Commonwealth Trial Court for processing and
18 disposing of civil litigation shall apply along with rights of
19 appeal from the Commonwealth Trial Court's decision.

20 Section 19. Issuance of certificate of title.

21 (a) After the time for appeal from a determination of
22 ownership by the Senior Land Commissioner has expired without
23 any complaint for review having been filed, the Senior Land
24 Commissioner shall issue a certificate of title setting forth
25 the names of all persons or groups of persons holding interest

1 in the land pursuant to the determination and shall cause the
2 certificate of title to be recorded with the Recorder. The
3 certificate of title shall be conclusive upon all persons
4 who have had notice of the proceedings and all those claiming
5 under them and shall be prima facie evidence of ownership as
6 therein stated against the world; Provided, that such ownership
7 shall be subject to the following which should, but need not,
8 be stated in the certificate:

9 (1) Any rights of way there may be over the
10 land in question;

11 (2) Any lease or use right for a term not
12 exceeding one year.

13 (b) Any easements or other rights appurtenant to the land
14 in question which are over unregistered land shall remain
15 so appurtenant even if not mentioned in the certificate,
16 and shall pass with the land until cut off or extinguished
17 in some lawful manner independent of the determination
18 covered by the certificate.

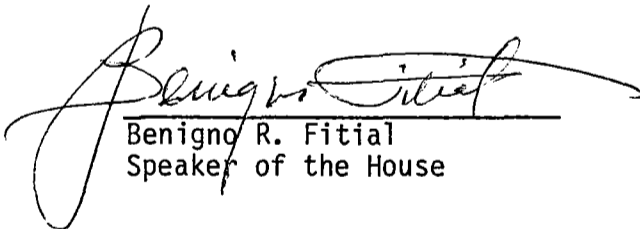
19 (c) In case of an appeal from a determination of ownership
20 to the Commonwealth Trial Court, the court shall certify
21 its decision, as modified by the Appellate Division if that
22 has happened, and shall cause the same to be recorded with
23 the Recorder. In such case the judgment shall be binding
24 and conclusive in the same manner as any other judgment
25 affecting land in the Commonwealth, and shall also be

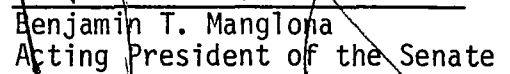
1 conclusive upon all parties to the Land Commission proceedings
2 who had notice of the appeal.

3 Section 20. Registration of titles. The original
4 certificate of title shall be bound in a permanent register. This
5 register shall remain in the custody of and under the supervision
6 of the Senior Land Commissioner. All original maps, plats and
7 subdivision maps registered with the Land Commission shall be the
8 property of the Commonwealth and shall remain in the custody of
9 the Senior Land Commissioner. A copy of the original certificate
10 of title, and any maps shall be promptly provided to and recorded
11 by the Commonwealth Recorder. A duplicate shall be issued, marked
12 "Owner's Duplicate Certificate," and delivered to the owner or his
13 authorized representative.

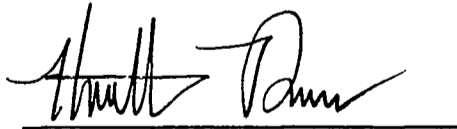
14 Section 21. Repealer. Section 101 through 120 of Title 67
15 of the Trust Territory Code are repealed.

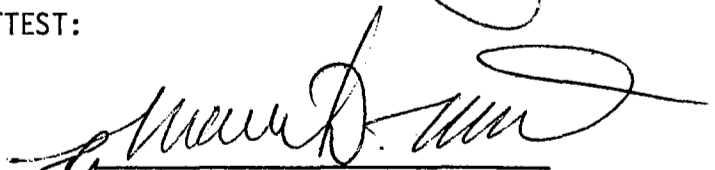
16 Section 22. Effective Date. This Act shall take effect on
17 October 1, 1983, upon approval by the Governor, or upon its
18 becoming law without such approval.


Benigno R. Fitial
Speaker of the House


Benjamin T. Mangiona
Acting President of the Senate

ATTEST:

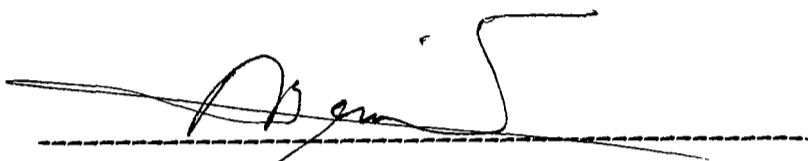

Herbert S. Del Rosario
Chief Clerk


Ignacio K. Quichocho
Senate Legislative Secretary

PUBLIC LAW NO. 3-79

H.B. No. 94, HD1, SD3, CD1

October 11, 1983



Pedro P. Tenorio

Governor

Commonwealth of the Northern Mariana Islands