



HOUSE OF REPRESENTATIVES
FOURTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
THIRD REGULAR SESSION, 2005

PUBLIC LAW NO. 14-78
H. B. No. 14-305, HD1

AN ACT

Requiring the transfer of land from the Marianas Public Lands Authority to the heirs of Joaquin Cruz Lizama; and for other purposes.

BE IT ENACTED BY THE FOURTEENTH NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE:

1 **Section 1. Findings.** The Legislature finds that Joaquin Cruz Lizama was born in
2 1881 and he died in 1944 at the age of 63. His wife Carmen Mendiola died in 1946. Veronica
3 Lizama Camacho (deceased), Vicenta Lizama Evangelista, Magdalena Lizama Kisa
4 (deceased), Dionicio Mendiola Lizama, Jose Mendiola Lizama (deceased), Paula Lizama
5 Charfauros, Regina Lizama Sablan, Isidro Mendiola Lizama (deceased), and Henrick Mendiola
6 Lizama (deceased) are the heirs of Joaquin Cruz Lizama and Carmen Mendiola Lizama.

7 The late Joaquin Cruz Lizama owned approximately 12.88 hectares of land in As
8 Perdido, South Village, in Saipan, known as Lot No. 128 (Japanese Lot number). Joaquin
9 Cruz Lizama entered into 2 lease agreements with Nanyo Kohatsu Kabushiki Kaisha (NKK)
10 leasing portion of Lot No. 128. He also entered into two other lease agreements with two
11 Japanese individuals (Kamado Teruya and Yagaki Yogi) also leasing different portions of Lot
12 128. The two portions of Lot No. 128 that were leased by NKK were later sold by Joaquin
13 Cruz Lizama to NKK. *See attached Exhibits "A"*. However, Joaquin Cruz Lizama never sold
14 the portions of Lot No. 128 that he leased to the Japanese individuals.

15 The land documents show that Joaquin Cruz Lizama owned a portion of Lot No. 128
16 (Japanese Lot number), situated in As Perdido, Saipan, and containing an area of 30,535 square
17 meters which he leased to Kamado Teruya for term of 8 years from April 1, 1934 to March 31,
18 1942, for the rental amount of 90.00 yen per year. *See attached Exhibit "B"*. Joaquin Cruz
19 Lizama also owned another portion of Lot No. 128 (Japanese Lot number), situated in As

1 Perdido, and containing an area of 29,966 square meters, which he leased to Yugaki Yogi for a
2 term of 11 years from November 1, 1933 to March 31, 1944, for a rental amount of 90.00 yen
3 per year. See attached Exhibit "C". The documents represent Lease Agreements between
4 Joaquin Cruz Lizama and the Japanese lessees and consisting a total of 60,501 square meters.
5 The properties described above were used to construct the Kobler Field, roads, and homestead
6 in Koblerville.

7 On numerous occasions the heirs of Joaquin Cruz Lizama have notified the Lands Title
8 Officer for the Mariana Islands District that they are the rightful owners of approximately 6.02
9 hectares at As Perdido, and have requested a formal hearing. However, the requests have
10 fallen on deaf ears and the heirs were not even accorded an official reply. The only reply the
11 heirs received was an oral reply, which essentially told them that Joaquin Cruz Lizama sold his
12 properties to the Japanese citizens.

13 The Legislature finds that the taking of the private land by the Trust Territory District
14 Land Commission from Joaquin Cruz Lizama was improper and without fair compensation to
15 his heirs. The Legislature further finds that the private land of Joaquin Cruz Lizama was taken
16 for a public purpose and the heirs should be fairly compensated by giving the heirs 60,501
17 square meters of available public land in Saipan.

18 **Section 2. Land Exchange.** Notwithstanding any law to the contrary, the Marianas
19 Public Lands Authority may enter into land exchange agreement with the heirs of Joaquin Cruz
20 Lizama and deed to them, within 60 days after the passage of this Act, fee simple title of public
21 land in Saipan comparable in value to the 60,501 square meters taken from Joaquin Cruz
22 Lizama.

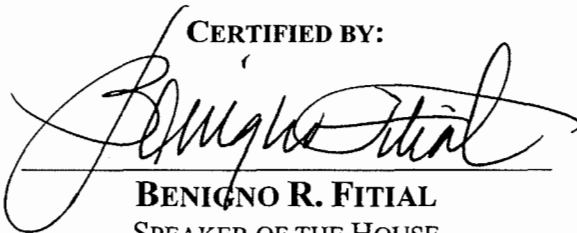
23 **Section 3. Severability.** If any provision of this Act or the application of any such
24 provision to any person or circumstance should be held invalid by a court of competent
25 jurisdiction, the remainder of this Act or the application of its provisions to persons or
26 circumstance other than those to which it is held invalid shall be affected thereby.

27 **Section 4. Savings Clause.** This Act and any repealer contained herein shall not be
28 construed as affecting any existing right acquired under contract or acquired under statutes
29 repealed or under any rule, regulation or order adopted under the statutes. Repealers contained

1 in this Act shall not affect any proceeding instituted under or pursuant to prior law. The
2 enactment of this Act shall not have the effect of terminating, or in any way modifying, any
3 liability, civil or criminal, which shall already be in existence at the date this Act becomes
4 effective.

5 **Section 5. Effective Date.** This Act shall take effect upon its approval by the
6 Governor or upon becoming law without such approval.

CERTIFIED BY:



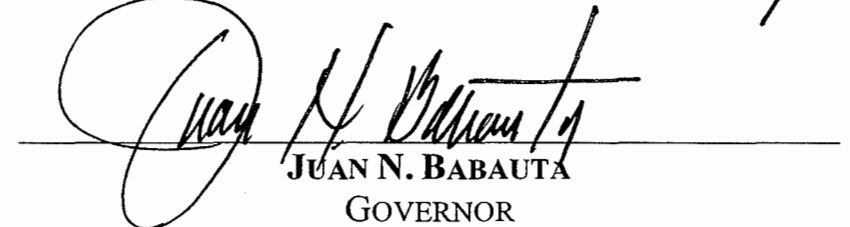
BENIGNO R. FITIAL
SPEAKER OF THE HOUSE

ATTESTED TO BY:



EVELYN C. FLEMING
HOUSE CLERK

Approved on this *14th* day of *July*, 2005



JUAN N. BABAUTA
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS