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**FOR PUBLICATION**

**IN THE SUPERIOR COURT  
FOR THE  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

**LAWRENCE C. MUNA,** )  
 )  
Plaintiff, )  
 )  
**v.** )  
 )  
**JOVENCIA L. MUNA,** )  
 )  
Defendant. )  
\_\_\_\_\_ )

**FCD-DI CASE NO. 05-0027**

**ORDER DISMISSING PLAINTIFF'S  
COMPLAINT FOR DIVORCE  
BASED ON JURISDICTION**

This matter came before this Court on May 9, 2005, on Plaintiff Lawrence C. Muna's ("Mr. Muna") *Complaint for Divorce*. Mr. Muna was present and was represented by Vicki King Taitano Esq, of Micronesian Legal Services. Defendant Jovencia L. Muna ("Mrs. Muna") was not present and was not represented by counsel. Mr. Muna is petitioning for divorce based on 8 CMC § 1331(h), "[t]he separation of the parties for two consecutive years without cohabitation, whether or not by mutual consent." However, Section 1331(h) must be read in conjunction with 8 CMC §1332 which states: "[n]o divorce may be granted unless one of the parties has resided in the Commonwealth for the two years immediately preceding the filing of the complaint." Mr. Muna has not lived in the CNMI for the two years preceding the filing of this complaint. Nevertheless, he is asking this Court to assert jurisdiction and grant him a divorce. The Court, having read all documents submitted and having heard the testimony of Mr. Muna and the arguments from his counsel, enters the following decision.

**FACTUAL CONSIDERATIONS**

Mr. Muna was born in Saipan in 1971. He moved to Guam, where he was raised until 1989. He moved back to Saipan, where he lived from 1989 through August 2003. In August 2003 Mr. Muna moved to San Diego, California, where he lived until April 2004. Mr. and Mrs. Muna were married in Saipan, on July 23, 1994 and were separated in 2000. Mrs. Muna does not contest the divorce.

1 **DISCUSSION**

2 Mr. Muna is basing his assertion that the Court has jurisdiction on *Agwo v. Agwo*, FCD-DI  
3 No. 04-0444 (N.M.I. Super. Ct. March 11, 2005) (Order Granting Plaintiff’s Motion for Partial  
4 Summary Judgment on Jurisdiction). In *Agwo*, this Court found that although Mrs. Agwo had not  
5 resided in the CNMI for two years prior to the filing of her divorce, she should not be precluded  
6 from obtaining a divorce in the CNMI because of her unique circumstances. The facts presented in  
7 the *Agwo* case were as follows: Julita Agwo was born in Saipan, on April 15, 1967. She attended  
8 school and lived most of her life in Saipan. She stayed in Guam for approximately four months in  
9 late 1984, when she gave birth to her first child, because her parents had moved to Guam. She  
10 returned to Saipan in January 1985, and continued living here. She met Charles Okechukwu Agwo,  
11 a Nigerian, in Saipan and married him, in Saipan, on March 6, 1999.

12 The couple lived together, in Saipan, until June 2002, when they moved to Kansas City,  
13 Missouri and lived with Mrs. Agwo’s niece. Mrs. Agwo kept her car and homestead permit in  
14 Saipan. She also maintained her driver’s license and voted in Saipan. She never established a  
15 domicile in Missouri. By May 2003, the parties separated. After the separation, Mrs. Agwo visited  
16 her adult son at the military base where he is stationed in Virginia and then returned to Saipan in  
17 June 2003.

18 Although there are some similarities in the two factual backgrounds, the Court does not find  
19 the same set of unique circumstances in Mr. Muna’s case. Although Mr. Muna has been a long time  
20 resident, just as Mrs. Agwo was, and he only traveled off island for a short period of time, the  
21 glaring difference is that prior to his departure to San Diego, Mr. Muna and his wife had already  
22 been separated for close to three years. Mr. Muna had met the criteria for obtaining a divorce in the  
23 CNMI and he could have obtained a divorce in the CNMI based on grounds at that time. He also  
24 could have filed for a divorce in California during the time he lived there.

25 This Court cautioned the legal community in *Agwo* that the decision was in no way a  
26 loophole to skirt the two-year residency requirement in the CNMI. The Court stated in the *Agwo*  
27 decision and reiterates now that it did not strike down the durational residency requirement of 8  
28 CMC § 1332. Any change to the durational residency requirement must be accomplished by the

1 Legislature, not the Court.

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**CONCLUSION**

Although the Petitioner has a similar argument to present to the Court, the *Agwo* decision is to be construed very narrowly and the facts presented by Mr. Muna do not meet the requirements as set forth in *Agwo*. Because Mr. Muna does not meet the residency requirement he is precluded from filing for a divorce at this time. Therefore, Plaintiff's *Complaint for Divorce* is **DISMISSED**.

**IT IS SO ORDERED** this 16th day of May 2005.

/s/  
KENNETH L. GOVENDO, Associate Judge