

Marina B. VILLAGOMEZ
vs.
Cresencia B. VILLAGOMEZ and
Jesus B. Villagomez

Civil Case No. 78-00009
District Court NMI

Decided March 22, 1979

**1. Jurisdiction - District Court -
Land Matters**

The District Court for the Northern Mariana Islands does not have jurisdiction in actions involving land. NMI Const., Art. IV, §2.

**2. Jurisdiction - Commonwealth
Trial Court - Land Matters**

The Commonwealth Trial Court has original jurisdiction over land actions and it extends beyond mere adjudication of title to land. NMI Const., Art. IV, §2.

**3. Jurisdiction - Commonwealth
Trial Court - Land Matters**

"Actions involving land," over which the Commonwealth Trial Court has original jurisdiction include any dispute the resolution of which is, in whole or in part, dependent upon a determination first being made of a controverted claim to any right, title or interest in land. NMI Const., Art. IV, §2.

It can be said that the language of the Constitution cited herein is clear and unambiguous and means exactly that which it purports to convey, namely, that it encompasses legal and formal demands or forms of suits for recovery of that which has its basis for recovery from matters or controversies affecting or affected by rights, titles or interests in land.

In any event, we are not precluded from reaching into the history of the Marianas Constitution to assist us in ascertaining the intent of the framers of the Constitution when they proposed the language of Section 2 of Article IV.

We look then to the record of the Constitutional Convention. On October 21, 1976, Proposal No. 03 entitled "Proposal Regarding the Judicial Branch of Government" (Journal, Northern Marianas Constitution Convention, 1976, volume 1, page 27) is introduced and one of its purposes is to "provide for the creation of a court with jurisdiction over disputes involving land."

On that same date, Proposal No. 09^{1/} is introduced, part of which states: "Defines the jurisdiction of this Court (land court) to include matters of title, boundaries, easements, leases, inheritance, transfers, records and other matters with respect to the ownership of land and rights in land in the Commonwealth."

Proposals Nos. 03 and 09 were referred to the Committee on Governmental Institutions (pages 31 and 32 of the Journal) and were eventually reported out in Committee Recommendation No. 2 with the statement that "The Court would consider all land matters." (p. 54, Journal).

On October 28, 1976, the Convention resolved itself into the Committee of the Whole and as such unanimously adopted Committee Recommendation No. 2 (p. 68, Journal). The following day, the Chairman of the Committee on Governmental Institutions reported to the Convention that "On Delegate Proposal No. 09, 'A Proposal Regarding Special Court to Deal With Land Matters,' Your Committee Recommendation No. 2 made yesterday reflects favorably on the Proposal in its entirety." (p. 70, Journal).

(1. See also "The Georgetown Law Journal", vol. 65:1373, p. 1444 f.n.)

Article IV, Section 2 in its present form was adopted by the Convention on November 27, 1976. (p. 202, Journal) In its written report to the Convention regarding Committee Recommendation No. 2, the Committee stated that "The proposed Section 2 requires the creation of a specialized division within the Commonwealth Trial Court to hear all land matters." (p. 363, Journal, volume II) Article IV, Section 2 in its present language granting to the Commonwealth Trial Court "original jurisdiction over actions involving land," must, therefore, in light of its history, reflect the intent embodied in the Committee Recommendation No. 2 which called for the land court to consider "all land matters" and which Recommendation encompassed also Proposal No. 09 which defined its jurisdiction to include, for example, leases.

[1-3] This Court holds, therefore, that the District Court for the Northern Mariana Islands does not have jurisdiction in actions involving land; that the Commonwealth Trial Court has original jurisdiction over land actions and that it extends beyond mere adjudication of title to land; that "actions involving land" include any dispute the resolution of which is, in whole or in part, dependent upon a determination first being made of a controverted claim to any right, title or interest in land.

This case, since it involves a resolution of the respective rights of the parties to the same parcel of land as embodied in disputed leases, falls within the jurisdiction of the Commonwealth Trial Court. Plaintiff's alternative prayer for damages by way of restitution is to a large extent dependent upon rights or interest in the land and cannot be resolved independently without such determination first being made.

Accordingly, Defendant's Motion to Dismiss the Complaint is granted without prejudice to plaintiff in filing this action with the Commonwealth Trial Court.

DATED: Saipan, Northern Mariana Islands this 22nd day
of MARCH, 1979.



Judge of the above entitled Court