



IN THE
Supreme Court
OF THE
**Commonwealth of the Northern Mariana
Islands**

**SECUNDINA UNTALAN PANGELINAN AND SELINA MARIE
PANGELINAN,**
Plaintiffs-Appellees,

v.

JOHN SABLAN PANGELINAN,
Defendant-Appellant.

Supreme Court No. 2020-SCC-0005-CIV

**ORDER GRANTING MOTION TO DISMISS AND DENYING MOTION FOR
SUBSTANTIVE RELIEF**

Cite as: 2021 MP 10

Decided February 25, 2021

CHIEF JUSTICE ALEXANDRO C. CASTRO
ASSOCIATE JUSTICE PERRY B. INOS
JUSTICE PRO TEMPORE ROBERT J. TORRES, JR.

Superior Court Civil Action No. 17-0067
Judge Joseph N. Camacho, Presiding

PER CURIAM:

¶ 1 Secundina U. Pangelinan and Selina M. Pangelinan (“Plaintiffs”) move to dismiss an appeal filed by John S. Pangelinan (“Pangelinan”), claiming that we lack jurisdiction. Pangelinan separately moves for us to rule in his favor before briefing. The motion to dismiss is GRANTED and Pangelinan’s motion is DENIED because there is no final judgment below, meaning that we lack jurisdiction.

I. FACTS AND PROCEDURAL HISTORY

¶ 2 This litigation for abuse of process and tortious interference with contract arises out of a probate case. The decedent in the probate had leased his land in Saipan to a developer for several million dollars shortly before he died. The transaction was not finalized and his widow Secundina, as administratrix of his estate, sought to close the deal. Pangelinan claimed in the probate that he is entitled to the land in fee simple and thus to the payment. The court denied the claim, holding that he is not an heir of the decedent and does not have standing in the probate. We affirmed, holding that Pangelinan did not have standing. *In re Estate of Pangelinan*, 2020 MP 19 ¶ 13.

¶ 3 Plaintiffs sued, alleging that Pangelinan’s interjection into the probate proceedings interfered with their ability to close the real estate deal and caused emotional distress. The court ruled in their favor, finding Pangelinan liable for abuse of process and tortious interference with contract. *Pangelinan v. Pangelinan*, Civ. No. 17–0067 (NMI Super. Ct. May 21, 2020) (Order and Judgment Against Defendant John Sablan Pangelinan for Abuse of Process and Tortious Interference with Contractual Relations). It did not determine damages, instead ordering the plaintiffs to file a request for relief. They did so, but their motion has not yet been ruled upon because Pangelinan’s Notice of Appeal from the judgment divested the trial court of jurisdiction. Secundina and Selina move to dismiss the appeal, contending the judgment is not final and we therefore lack jurisdiction. Pangelinan has also filed a separate motion asking us to rule in his favor before briefing.¹ *Pangelinan v. Pangelinan*, 2020-SCC-0005-CIV (NMI Sup. Ct. Jan. 12, 2021) (Motion for Substantive Relief under NMI Supreme Court Rule 27(a)(3)(B)(ii) . . .).

II. JURISDICTION

¶ 4 We have jurisdiction over final judgments and orders of the Commonwealth Superior Court. NMI CONST. art. IV, § 3.

¹ The motion is nearly verbatim identical to an earlier motion which we denied as premature because briefing had not yet taken place. *Pangelinan v. Pangelinan*, 2020-SCC-0005-CIV (NMI Sup. Ct. Dec. 11, 2020) (Order Denying Motion). Pangelinan’s motion is again styled as a motion for substantive relief under NMI Supreme Court Rule 27(a)(3)(B)(ii). This rule is patterned after Federal Rule of Appellate Procedure 27(a)(2)(B)(iii), the purpose of which is merely to specify what attachments must be included with motions. See *El v. Marino*, 722 Fed. Appx. 262, 267 (3d Cir. 2018) (stating this rule “only describes the documents which must be attached to any appellate ‘motion seeking substantive relief.’”).

III. DISCUSSION

¶ 5 “An order which establishes liability without fixing the amount of recovery may be final and immediately appealable only if the determination of damages will be ‘mechanical and uncontroversial,’ i.e., a ministerial task.” *Pac. Amusement, Inc. v. Villanueva*, 2005 MP 11 ¶ 11 (citation omitted). This is because, “a final judgment for money must, at least, determine, or specify the means for determining, the amount . . . and an opinion, in such a case, which does not either expressly or by reference determine the amount of money awarded reveals doubt, at the very least, whether the opinion was a *complete* act of adjudication” *U.S. v. F. & M. Schaefer Brewing Co.*, 356 U.S. 227, 233–34 (1958) (internal quotation marks and citation omitted).

¶ 6 Secundina and Selina request several categories of damages totaling \$7,614,492.65. *Pangelinan v. Pangelinan*, Civ. No. 17–0067 (NMI Super. Ct. June 22, 2020) (Plaintiffs’ Motion for Attorney’s Fees, Cost of Litigation, and Damages/Memorandum of Points and Authorities). For both their abuse of process cause of action and their tortious interference with contract cause of action, they claim: actual and compensatory damages in the form of attorney’s fees and costs; consequential damages for investment interest and emotional distress; punitive damages; and pre- and post-judgment interest.

¶ 7 We addressed a similar issue in *Pac. Amusement, Inc. v. Villanueva*, 2005 MP 11. There, the court ordered the prevailing plaintiff to provide an accounting of fees and costs it claimed. *Id.* ¶ 12. The court mandated the defendant to either pay the plaintiff’s figure or request an evidentiary hearing to determine the amount. *Id.* The defendant appealed, but we held the court’s order was not final and not immediately appealable because the amount of damages was too indeterminate. *Id.* The same is true here. Determination of damages will require a substantive, contested hearing, i.e., it will not be “mechanical and uncontroversial.” *Id.* ¶ 11. Pangelinan may contest their figures, and the plaintiffs may be required to provide evidence demonstrating their emotional distress to support such an award.

IV. CONCLUSION

¶ 8 Because determination of damages will not be mechanical and uncontroversial, the judgment is not final and not immediately appealable. We therefore lack jurisdiction and the motion to dismiss is GRANTED. Since we lack jurisdiction over the appeal, we cannot decide Pangelinan’s motion on the merits. His motion is therefore DENIED.

SO ORDERED this 25th day of February, 2021.

/s/
ALEXANDRO C. CASTRO
Chief Justice

/s/

PERRY B. INOS
Associate Justice

/s/

ROBERT J. TORRES, JR.
Justice Pro Tempore

COUNSEL

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