

30-09-0343

Office of the Speaker  
Judith T. Won Pat, Ed. D.

Date 03/13/09  
Time 3:30P  
Received by af

2009 MAR 18 PM 3:37

DISTRICT COURT OF GUAM  
TERRITORY OF GUAM

UNITED STATES OF AMERICA

Plaintiff,

vs.

GOVERNMENT OF GUAM,

Defendant.

Civil Case No. 02-00022

**NOTICE OF RECEIPT OF  
LETTER**

In the interest of full and complete disclosure, the court hereby advises the parties that it received the letters attached hereto from Mr. Jose C. Nangauta ("Mr. Nangauta") and Ms. Rosalina Crisostomo Mabesa ("Ms. Mabesa"). This court is unable to assist Ms. Mabesa as requested and suggests she may wish to seek further advice from the Attorney General's office.

**SO ORDERED.**



/s/ Frances M. Tydingco-Gatewood  
Chief Judge

Dated: Mar 13, 2009

02/23/2009 09:40 102900120  
02/23/2009 09:40 102900120  
**RECEIVED**

February 24, 2009

FEB 24 2009

*Chalaco*  
CHIEF JUDGE'S CHAMBERS  
DISTRICT COURT OF GUAM

Dear Justice Gatewood,

I once again am asking you to change your decision to put a stop of the Dandan Landfill construction. This is to protect the air, the water resource down hill, the health and the livelihood of the Guam communities from polluting the air and of any existing public water supply intake or reservoir, if the Director of Guam environmental Agency determines that such a distance would not be detrimental to human health and the environment.

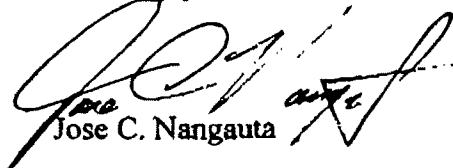
Just ask yourself, would you want "your child" to be contaminated by air pollutions and drink water from a municipal water supply located downhill from a landfill? Of course not. Common sense tells you that even new lined landfills can spring a leak. This is clearly a bad idea.

Here's another question to consider, should the burden of proof and associated costs be shifted to the GEPA, when it has been decimated by a series of budget cuts? Again the answer is obvious, GEPA can't be asked to do any more work than is already mandated and the communities sure can't afford to pick up the tab.

The consequences of uncontrolled water movement should Dandan landfill is constructed. Water that enters the landfill will move downward through the waste through the path of least resistance, becoming highly contaminated. A portion of the water may move downward until it encounters an impermeable layer, at which time it moves horizontally (laterally) and exits through the landfill's side slope. The contaminated water will be discharged into the natural surface water system and could be extremely detrimental to nearby stream and lake water quality. Additionally, this can cause serious odor problems and likely will kill landfill cover vegetations and even human being.

This is bad for human health, bad for the environment, and bad for the Guam budget. Please protect our natural water, public water supply and our natural air environment.

Sincerely yours

  
Jose C. Nangauta

August 12, 2008

**RECEIVED**

The Honorable Frances Tydingco-Gatewood  
Chief Judge, U.S. District Court of Guam  
4<sup>th</sup> Floor U.S. Court Building, 520 West Soledad Avenue  
Hagatna, Guam 96910

MAR 10 2009

**CHIEF JUDGE'S CHAMBERS  
DISTRICT COURT OF GUAM**

Reference: Ordof Landfill – Lot No.# 3434 (aka "Gafao")

Dear Judge Tydingco-Gatewood:

We are writing to provide you with relevant information regarding the above referenced property which is currently being used as Guam's landfill/dumpsite. As such, we are also respectfully requesting your assistance in assisting our family in seeking both remuneration and pecuniary compensation from the Government of Guam for the many years of the unauthorized use and destruction of Lot No#. 3434 (aka "Gafao").

Lot No#. 3434 (aka "Gafao") is currently owned and registered to Mr. Antonio Camacho Bautista (deceased) who is by birth our maternal grandfather. Our grandfather had reared five (5) children - Encarnacion Bautista Crisostomo; Matias Lujan Bautista; Pedro Lujan Bautista; Jesus Lujan Bautista; and Antonio Lujan Bautista. All five (5) are deceased. The property has a total area of approximately 134,055 + or - square meters.

We understand that in general the government may exercise its Eminent Domain Authority and condemnation of private property. However, in this case, our family was never informed of the Government of Guam's intent and/or desire to condemn the Gafao property for its use as the Island's landfill/dumpsite nor were we justly compensated as required by law.

It is very unfortunate that we find ourselves writing to you asking for your assistance in this matter for it has been many years now since our family has been attempting to request assistance from the Government of Guam in providing settlement to the Gafao property - but to date has not received the needed attention that it deserves. Attempts have been made in seeking assistance from respective Senators, Directors of Public Works and the Guam Attorney General's Office just to name a few - but all to no avail.

The Gafao property continues to remain the rightful and legal property of Mr. Antonio Camacho Bautista and his heirs as real property taxes have and continues to be paid on an annual basis without any form of compensation and/or remuneration from the Government of Guam for its continued use and destruction.

We understand that the day-to-day management of the Ordot Landfill (aka "Gafao") has been taken away from the Government of Guam's Department of Public Works' Solid Waste Division and is now being managed by the U.S. Federal Government thru its receiver – Gershman, Brickner and Bratton as per your order/decreed sometime earlier this year.

The Ordot Landfill/Dump (aka "Gafao") is in the verge of being closed down and the Government of Guam has yet to this date justly compensated our family for the many years of the property's usage and permanent destruction. We are most concern, however, that upon its closure – our family would never be compensated at all especially due to the Government of Guam's current financial dilemma.


As a gesture of goodwill, our family is more than willing to consider accepting appropriate land exchange with the Government of Guam as a means of just compensation through local legislative action(s) versus monetary remuneration. This would be compensation considered for both the many years of use and permanent environmental destruction of the entire property.

Lastly, our family would like to begin probate actions on the Gafao property but we are unable to do so at this time as the property is still being used by the Government of Guam. We are in dire need of assistance from a source outside of the Government of Guam in order to seek a viable solution of our Grandfather's property.

Your honor, if it pleases you, we are willing to meet with you and/or a designated representative of your court at your convenience in order to provide you with additional and supporting documents and/or information relating to the ownership and history of the Ordot Landfill/Dump (aka "Gafao") – Lot No.# 3434. You may contact anyone of us (surviving heirs) at the telephone numbers and/or addresses as depicted below our respective signature blocks.

Dunkalu na si yu'us maase for your support and assistance in this matter. We anxiously look forward to hearing from you.

Sincerely Yours,

  
Rosalina Crisostomo Mabesa  
P.O. Box 218076, GMF  
Barrigada, GU. 96921  
Telephone No.# 649-0931  
(Granddaughter)

Jesus Bautista Crisostomo (deceased)  
P.O. Box 6113  
Tamuning, GU. 96931  
(Grandson)

Floresita Crisostomo Castro (deceased)  
P.O. Box 20423, GMF  
Barrigada, Guam 96921-0423  
(Granddaughter)

Jose Bautista Crisostomo (deceased)  
P.O. Box 24714, GMF  
Barrigada, GU. 96921  
(Grandson)

*Concepcion Crisostomo Perez*  
Concepcion Crisostomo Perez  
P.O. Box 11419  
Yigo, GU. 96929  
Telephone No.# 653-2659  
(Granddaughter)

*Antonio Bautista Crisostomo*  
Antonio Bautista Crisostomo  
7523 Bridgeman Drive  
Fayetteville, NC. 28303  
Telephone No.# (910) 867-1167  
(Grandson)

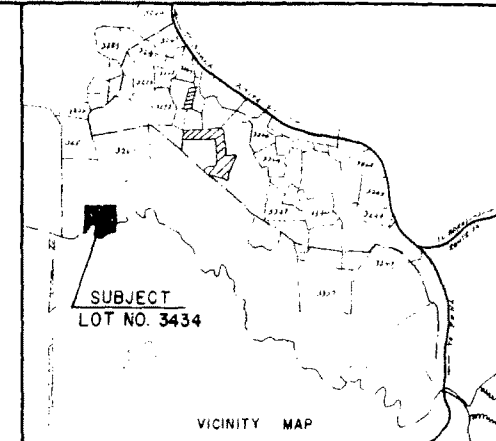
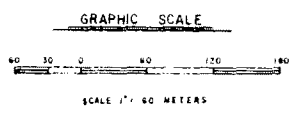
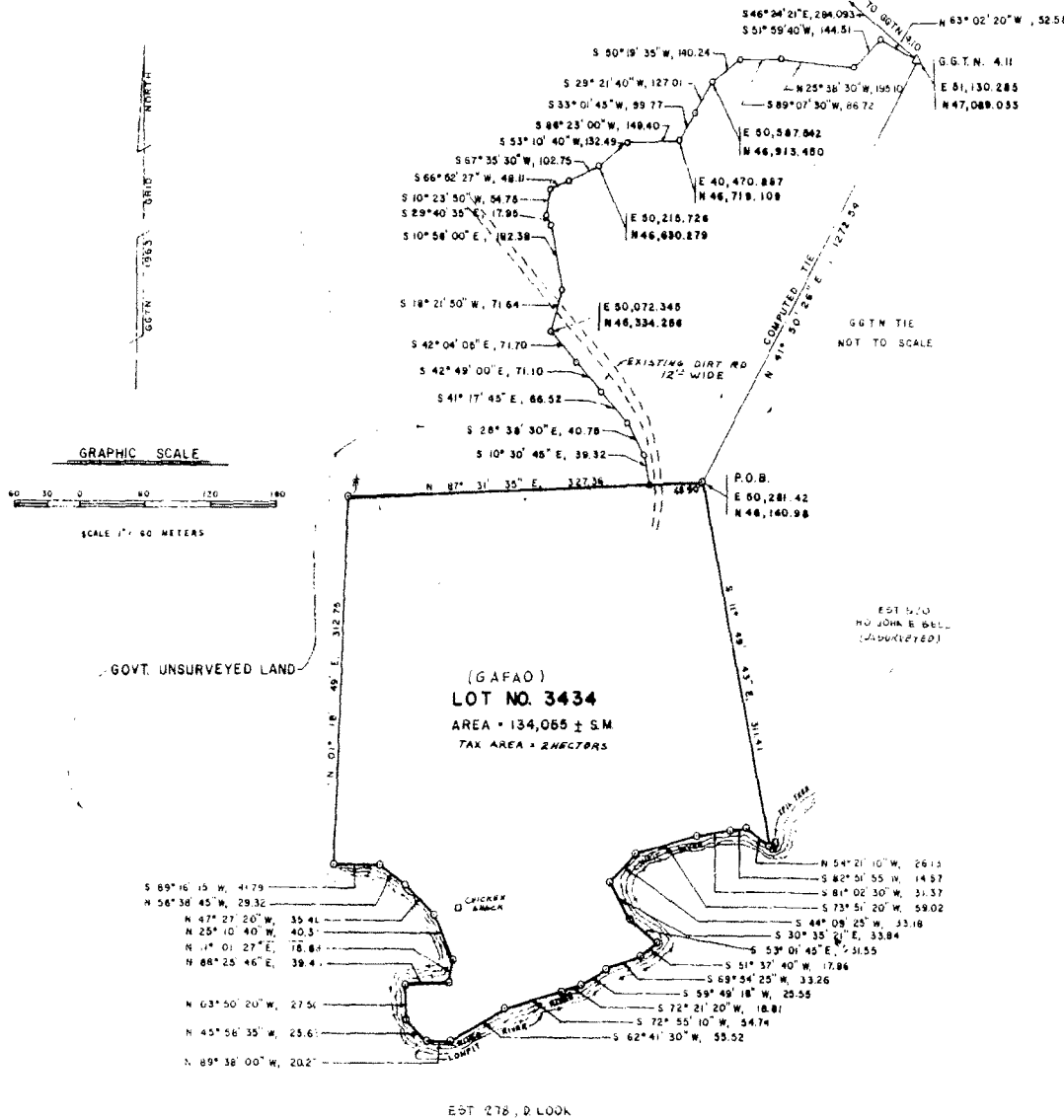
*Maria C. Pablo*  
Maria Crisostomo Pablo  
P.O. Box 1332  
Hagatna, GU. 96932  
Telephone No.# 477-5523  
(Granddaughter)

*Matias T. Bautista*

Matias Tedtaotao Bautista  
P.O. Box 5428  
Hagatna, GU. 96932  
Telephone No.# 477-5913  
(Grandson)

Signed by Grandchildren currently contributing to the payment of annual real property taxes on Lot No#. 3434:

P.S. A photocopy of a survey map depicting the Gafao Property – Lot No. # 3434 is being enclosed for your review.



**NOTES**

- 1 SURVEY WAS BASED ON 1963 GGTN.
- 2 ALL DISTANCES ARE IN METERS U.O.M.

**REFERENCES**

- 1 SINAJANA BOOK - PLACE NAME OF GAFAO
- 2 TAX ROLL BOOK DATED 1941

**CERTIFICATIONS**

APPROVAL PURSUANT TO CHAPTER 3, TITLE 18, GOVERNMENT CODE OF GUAM

*Not Applicable* 4/27/73  
 TERRITORIAL PLANNER DATE

THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH THE REQUIREMENTS OF CHAPTER 8, TITLE 4, GOVERNMENT CODE OF GUAM AND REGULATIONS THEREUNDER ON THE 17th DAY OF April 1973.

*[Signature]* 4/27/73  
 TERRITORIAL SURVEYOR DATE

I, GREGORIO S. TORRES JR. HEREBY CERTIFY THAT THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, THAT IT IS BASED UPON A FIELD SURVEY MADE IN FEB 1973 IN CONFORMANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

*Gregorio S. Torres Jr.* April 26, 1973  
 GREGORIO S. TORRES JR. RLS NO 27 DATE

**SPECIAL NOTE**

ALL POINTS ARE SET AS PER DIRECTION OF SAID CLAIMANTS

*Gregorio S. Torres Jr.* 4-11-73  
*Antonio C. Bautista* DATE  
 CLAIMANTS DATE

**NOTICE**

CERTIFICATIONS AS SIGNED BY THE TERRITORIAL SURVEYOR AND CHIEF OF PLANNING DEFINITELY DO NOT CONSTITUTE A RECOGNITION BY THE GOVERNMENT OF GUAM OF OWNERSHIP, EXTENT AND AREA OF LAND SURVEYED CLAIMED.

**LEGEND:**

- △ GGTN TS 1963.
- = 4 REBAR SET BY RLS 27

REVISION	DATE	BRIEF DESCRIPTION	BY	APPROVED
SURVEY DATA		DATE	GREGORIO S. TORRES JR.	
RESEARCHED C.I.C.		FEB 1973	REGISTERED LAND SURVEYOR, NO 27	
FIELD C.I.C.		FEB 1973	P.O. BOX 330 AGANA, GUAM TEL. NO. (NOW)	
COMPUTED C.I.C.		FEB 1973	LAND REGISTRATION SURVEY PLAT	
DRAWN M.D.		APRIL 1973	LOT 3434	
FIELD M.C.		C-1	GAFAO, MUNICIPALITY OF SINAJANA	
CHECKED G.T.		APRIL 1973	LAND SQUARE 19, SEC. 3	
SATISFACTORY TO		4-11-73	BASIC LOT NO. 3434	
		DATE	LIST OF TITLE NO. HOW REGISTERED ON 2/2	
LAND MANAGEMENT DATA		IN THE NAME OF ANTONIO C. BAUTISTA DEC		
L.M. NO. 655-FY72		SHEET 1 of 1	DWG. NO. 7303-14	SCALE 1"=60M

111

*Nafar Property - Lot No#. 3434  
c/o Anthony Castro  
P.O. Box 20423, G.M.F.  
Barrigada, GU. 96921-0423*



0000 96910

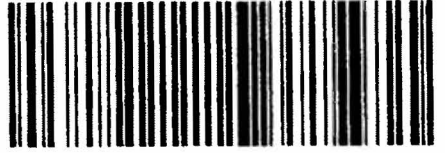
MAR 10 2009

U.S. POSTAGE  
PAID  
BARRIGADA, GU  
96921  
MAR 04 09  
AMOUNT

**\$5.49**  
00034511-20

**RETURN RECEIPT  
REQUESTED**

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE  
**CERTIFIED MAIL™**



7008 1300 0001 9134 0799

**CHIEF JUDGE'S CHAMBERS  
DISTRICT COURT OF GUAM**

*The Honorable Francis J. J. Delgado - Gatewood  
Chief Judge, U.S. District Court of Guam  
4th Floor U.S. Court Building  
520 West Soledad Avenue  
Hagatña, GU. 96910*

96910\$4916 0001

