



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

MAY 29 1998

Refer to  
Legislative Secretary


The Honorable Antonio R. Unpingco  
Speaker  
Mina'Bente Kuáttro na Liheslaturan Guåhan  
Twenty-Fourth Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Hagåtña, Guam 96910

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 626 (COR), "AN ACT TO REPEAL AND REENACT P.L. NO. 24-93, RELATIVE TO MANDATING A LAND EXCHANGE FOR THE PURPOSE OF SETTling THE LAST REMAINING DISTRICT COURT OF GUAM HAGATNA FRACTIONAL LOT LAND CONDEMNATION CASE.", vetoed by the Governor and overridden by I Liheslaturan Guåhan on May 22, 1998.

This legislation is now designated **Public Law No. 24-209.**

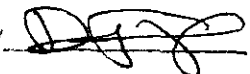
Very truly yours,

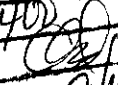
  
Carl T. C. Gutierrez  
I Maga'lahaen Guåhan  
Governor of Guam

Attachment: copy attached for signed bill or overridden bill  
original attached for vetoed bill

cc: The Honorable Joanne M. S. Brown  
Legislative Secretary

0-343

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	
Time	4:04 pm
Date	5.29.98

Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: 5-29-98  
Time: 1400  
Rec'd by:   
Print Name: Charlene D.

MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN  
1998 (SECOND) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 626 (COR), "AN ACT TO REPEAL AND REENACT P.L. NO. 24-93, RELATIVE TO MANDATING A LAND EXCHANGE FOR THE PURPOSE OF SETTling THE LAST REMAINING DISTRICT COURT OF GUAM HAGATNA FRACTIONAL LOT LAND CONDEMNATION CASE," returned without approval of *I Maga'lahen Guahan*, was reconsidered by *I Liheslaturan Guahan* and after such consideration, did agree, on the 22<sup>nd</sup> day of May, 1998, to pass said bill notwithstanding the veto of *I Maga'lahen Guahan* by a vote of (14) members.



ANTONIO R. UNPINGCO  
Speaker

Attested:



JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by *I Maga'lahen Guahan* this 27<sup>th</sup> day of May  
1998, at 4:55 o'clock P.M.



Assistant Staff Officer  
*Maga'lahi's Office*

**MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN  
1998 (SECOND) Regular Session**

**Bill No. 626 (COR)**

As substituted by the Committee on  
Agriculture, Land, Housing, Community  
and Human Resources Development and  
amended on the Floor.

Introduced by:

A. C. Blaz  
F. B. Aguon, Jr.  
J. M.S. Brown  
Felix P. Camacho  
Francisco P. Camacho  
M. C. Charfauros  
E. J. Cruz  
W. B.S.M. Flores  
Mark Forbes  
L. F. Kasperbauer  
A. C. Lamorena, V  
C. A. Leon Guerrero  
V. C. Pangelinan  
J. C. Salas  
A. L.G. Santos  
F. E. Santos  
A. R. Unpingco  
J. Won Pat-Borja

**AN ACT TO REPEAL AND REENACT P.L. NO. 24-  
93, RELATIVE TO MANDATING A LAND  
EXCHANGE FOR THE PURPOSE OF SETTling  
THE LAST REMAINING DISTRICT COURT OF  
GUAM HAGATNA FRACTIONAL LOT LAND  
CONDEMNATION CASE.**

1           **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2           **Section 1.** Public Law Number 24-93 is hereby repealed and reenacted  
3 to read as follows:

4           **“Section 1. Legislative Findings and Intent.**       On October 9,  
5 1997 *I Liheslaturan Guahan* passed Bill Number 114 (COR) into law,  
6 over the objections of *I Maga’lahen Guahan*. The legislation became  
7 Public Law Number 24-93. Despite attempts by Mr. and Mrs. Francis L.  
8 and Yuk Lan Moylan to receive their properties, neither the real  
9 property deeds nor certificates of title to Lot Numbers 17 and 18, Block  
10 24, New Hagatna, Guam were issued.

11           The history of events leading up to the drafting and passage of Bill  
12 Number 114 (COR) is clear. Numerous Hagatna fractional properties  
13 were condemned from Mr. and Mrs. Moylan, as well as other Hagatna  
14 land owners, by the government of Guam during the 1960s and 1970s.  
15 Three (3) District Court of Guam cases, namely Civil Actions 38-66, 130-  
16 69 and 148-73, were filed in order to provide compensation to Mr. and  
17 Mrs. Moylan and money was subsequently placed into a District Court  
18 of Guam account for payment for Mr. and Mrs. Moylan and others.  
19 During this period of time many Hagatna fractional lot owners received  
20 land exchanges. Mr. and Mrs. Moylan were the last Hagatna property  
21 owners whose cases had yet to be settled and the Attorney General’s  
22 Office on numerous occasions stipulated with Mr. and Mrs. Moylan to  
23 permit them time to obtain a land exchange. A public hearing was held

1 on May 20, 1997 on Bill Number 114 (COR) and a Committee Report  
2 issued recommending passage of the Bill.

3 During the public hearing and Session discussion on Bill Number  
4 114 (COR) *I Liheslaturan Guahan* understood that it would be removing  
5 properties from the Chamorro Land Trust Commission ("CLTC")  
6 inventory in order to provide 'just compensation' for the Hagatna  
7 properties that it took from Mr. and Mrs. Moylan, as it had done before  
8 through other laws for other Hagatna property owners and others. The  
9 fact that the properties taken from Mr. and Mrs. Moylan were taken  
10 *before* the enactment of the CLTC Act, and the Department of Land  
11 Management identified Lots 17 and 18, Block 24, New Hagatna, Guam,  
12 *before* the lots were transferred into the inventory, for exchange for Mr.  
13 and Mrs. Moylan were important factors in the removal of the  
14 properties from the CLTC inventory and passage of Bill Number 114  
15 (COR) into P.L. No. 24-93. Further, *I Liheslaturan Guahan* has the  
16 Organic Act authority to dispose of all properties located within Guam.

17 *I Liheslaturan Guahan* did *not* intend to give the Executive Branch  
18 discretion in effectuating a land exchange for Mr. and Mrs. Moylan nor  
19 that they receive money in lieu of the land exchange. The Executive  
20 Branch's function was ministerial in providing the deeds and certificates  
21 of title. Mr. and Mrs. Moylan, both getting further into their elder years,  
22 are now faced with the possibility of protracted litigation to enforce P.L.  
23 No. 24-93 where they may not live to see their land exchange. This  
24 continues to be *I Liheslaturan Guahan's* intent.

1            *I Liheslaturan Guahan* finds that Mr. Francis L. Moylan owned real  
2 property, formerly designated as Lot Numbers 602AG (137.26  $\pm$ sm),  
3 604AG (365.12  $\pm$ sm), 616AG (100.11  $\pm$ sm), 624AG (127.17  $\pm$ sm), 734-  
4 1AG (39.00  $\pm$ sm), 559AG (389.00  $\pm$ sm) and 169AG (62.72  $\pm$ sm), Old  
5 Hagatna, Guam, containing a total area of approximately 1,220.38  
6 square meters, which was condemned and taken by the government of  
7 Guam as part of the Hagatna Fractional Lot Program in the 1960's, and  
8 most of the previously condemned lots are now in the vicinity of Lot  
9 Numbers 17 and 18, Block 24, New Hagatna, Guam. Francis L. Moylan  
10 and Yuk Lan Moylan resided on Lot No. 169AG, which is now part of  
11 Lot No. 17, Block 24, New Hagatna, Guam, prior to it being condemned  
12 by the government of Guam. Although money is available for the  
13 taking, *I Liheslaturan Guahan* finds that the Hagatna land exchange  
14 identified in §2 herein shall be effectuated and that *I Maga'lahen Guahan*  
15 shall issue the deeds and certificates of title in a timely manner.

16            **Section 2. Exchange of Lot Nos. 17 and 18, Block 24, New**  
17 **Hagatna, Guam to Mr. and Mrs. Francis L. and Yuk Lan Moylan for**  
18 **Condemned Properties.**

19            Notwithstanding any other provision  
20 of law, Mr. Francis L. Moylan and Mrs. Yuk Lan Moylan shall hereby  
21 receive, and *I Maga'lahen Guahan* shall hereby transfer, Lot Numbers 17  
22 (526.11  $\pm$ sm) and 18 (526.11  $\pm$ sm), Block Number 24, New Hagatna,  
23 Guam, containing a total area of approximately 1,052.22 square meters,  
24 as an exchange for their previously condemned Lot Numbers 602AG  
(137.26  $\pm$ sm), 604AG (365.12  $\pm$ sm), 616AG (100.11  $\pm$ sm), 624AG (127.17

1       ±sm), 734-1AG (39.00 ±sm), 559AG (389.00 ±sm) and 169AG (62.72  
2       ±sm), Old Hagatna, Guam containing an area of approximately 1,220.38  
3       square meters. They shall *not* receive monetary compensation. The  
4       properties shall hereby be transferred from the inventory of the  
5       Chamorro Land Trust to Mr. and Mrs. Moylan for the purpose of this  
6       land exchange. *I Maga'lahaen Guahan* shall provide Mr. and Mrs. Moylan  
7       deeds and certificates of title, as joint tenants with right of survivorship,  
8       to said lots within thirty (30) days of enactment of this Act and shall  
9       have no discretion.”

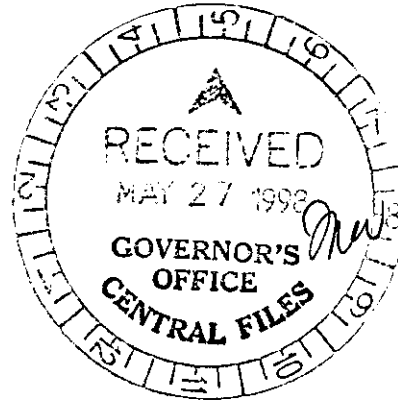


**MINA' BENTE KUATTRO NA LIHESLATURAN GUAHAN**  
TWENTY-FOURTH GUAM LEGISLATURE

155 Hesler Street, Agana, Guam 96910

May 27, 1998


Honorable Carl T.C. Gutierrez  
*I Maga'lahen Guahan*  
Office of *I Maga'lahi*  
Hagåtña, Guam 96910



Dear *I Maga'lahi* Gutierrez:

Transmitted herewith are Substitute Bill No. 626 (COR) and Bill No. 212 (COR), which were overridden by *I Mina' Bente Kuattro na Liheslaturan Guahan* on, May 22, 1998 notwithstanding your vetoes.

Sincerely,

  
JOANNE M.S. BROWN  
Legislative Secretary

Enclosure: (2)





24<sup>th</sup> GUAM  
LEGISLATURE

COMMITTEE ON  
AGRICULTURE, LAND, HOUSING,  
COMMUNITY & HUMAN RESOURCES DEVELOPMENT

**SENATOR JOHN CAMACHO SALAS**  
**CHAIRMAN**

April 22, 1998

The Honorable Antonio R. Unpingco  
Speaker  
Twenty-Fourth Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Agricultural, Land, Housing, Community & Human Resources Development to which was referred Bill No. 626, has had the same under consideration and now wishes to report back the same with the recommendation **TO DO PASS.**

The Committee votes are as follows:

To Do Pass                    2     ---

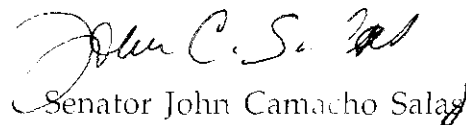
Not To Pass                    ---

Abstain                        ---

Other (Off-Island)            ---

A copy of the Committee's report and other pertinent documents are enclosed for your reference and information.

Sincerely,

  
Senator John Camacho Salas  
Chairman

Attachments



24<sup>th</sup> GUAM  
LEGISLATURE

COMMITTEE ON  
AGRICULTURE, LAND, HOUSING,  
COMMUNITY & HUMAN RESOURCES DEVELOPMENT

**SENATOR JOHN CAMACHO SALAS**  
CHAIRMAN

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April 22, 1998

The Honorable Speaker Antonio R. Unpingco  
Twenty-Fourth Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

Dear Speaker Unpingco:

The Committee on Agriculture, Land, Housing, Community and Human Resources Development hereby requests that you waive the public hearing requirement pursuant to §2103 of Title 2 of the Guam Code Annotated, *Public Hearings Mandatory*, for Bill 626 (COR) "An Act to Repeal and Reenact P.L. No. 24-93, Relative to Mandating a Land Exchange for the Purpose of Settling the Last Remaining District Court of Guam Hagatna Fractional Lot Land Condemnation Case."

Bill 626 is identical to Bill 114, an earlier introduced bill, and the land exchange provided for in Bill 626 is the same as in Bill 114 and was already heard on May 20, 1997 through Bill 114. Section 1 of Bill 626 explains the reason why this bill is urgently needed, that being to clarify the Legislature's intent that the Governor shall execute the land exchange provided for in P.L. 24-93, passed into law by legislative override on October 9, 1997. As in Bill 114 (COR)'s situation, the District Court of Guam cases continue to await resolution for condemnations which began in 1966.

Thank you for your favorable consideration to this matter.

Sincerely,

  
Senator John Camacho Salas

4/22/98  
7:15 PM  
Justice



# SENATOR JOHN CAMACHO SALAS CHAIRMAN

## COMMITTEE ON AGRICULTURE, LAND, HOUSING, COMMUNITY AND HUMAN RESOURCES DEVELOPMENT

### VOTING SHEET

BILL NUMBER 626

TITLE An act to repeal and reenact P.L. 24-93, relative to mandating a land exchange for the purpose of settling the last remaining District Court of Guam Hagatna Fractional Lot Land Condemnation Case.

	TO DO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
<i>John C. Salas</i> John Camacho Salas, Chairman	✓			
Edwardo J. Cruz, M.D., Vice-Chairman				
Thomas C. Ada, Member				
<i>Frank B. Aguon, Jr.</i> Frank B. Aguon, Jr., Member				
<i>Felix P. Camacho</i> Felix P. Camacho, Member	✓			
<i>Francisco P. Camacho</i> Francisco P. Camacho, Member	✓			
William B.S.M. Flores, Member				
Larry F. Kasperbauer, Member				
<i>Carlotta A. Leon</i> Carlotta A. Leon Guerrero, Member	✓			
<i>Antonio R. Unpingco</i> Antonio R. Unpingco, Ex-officio Member	✓			



24<sup>th</sup> GUAM  
LEGISLATURE

COMMITTEE ON  
AGRICULTURE, LAND, HOUSING,  
COMMUNITY & HUMAN RESOURCES DEVELOPMENT

**SENATOR JOHN CAMACHO SALAS**  
CHAIRMAN

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## Bill 626 (COR) Report

Bill 626 (COR): "AN ACT TO REPEAL AND REENACT P.L. NO. 24-93, RELATIVE TO MANDATING A LAND EXCHANGE FOR THE PURPOSE OF SETTling THE LAST REMAINING DISTRICT COURT OF GUAM HAGATNA FRACTIONAL LOT LAND CONDEMNATION CASE."

### I. SPONSOR.

Vice-Speaker Antonio C. Blaz

### II. BACKGROUND AND SYNOPSIS.

Bill 114 passed into law over the objections of the Governor on October 9, 1997. Despite attempts by Mr. and Mrs. Francis L. and Yuk Lan Moylan to receive their properties, they have been unable to receive the real property deeds nor certificates of title to Lot Numbers 17 and 18, Block 24, New Hagatna, Guam. It appears that the Administration requires clarification for Bill 114. Bill 626 is therefore necessary to effectuate the land exchange, including transferring the properties from the Chamorro Land Trust ("CLT") land inventory, mandating the Governor of Guam to provide Mr. and Mrs. Moylan deeds and certificates of title, as joint tenants with right of survivorship, to the lots within thirty (30) days of the enactment of this Act. The Governor shall not have discretion over this matter.

### III. COMMITTEE FINDINGS.

The Committee finds that Bill 626 is identical to Bill 114, which had a public hearing on May 20, 1997 and received a fiscal note. Bill 626 was intended to make clear that Mr. and Mrs. Moylan were not to receive monetary compensation to settle their land condemnation cases, but that they receive this Hagatna land exchange. Further that the property be transferred from the CLT

land inventory, finding that *Lehislaturan Guahan* has transferred property in the past when appropriate, such as in P.L. No. 24-15. Further, that the Governor not have any discretion in granting said land exchange, but that the will of *Lehislaturan Guahan* be followed, as explained in detail in the legislative intent and findings of the reported out Bill and hereby incorporated into these findings by reference.

#### IV. COMMITTEE RECOMMENDATION.

Based upon the foregoing, it is the recommendation of the Committee on Agriculture, Land, Housing, Community and Human Resources Development to DO PASS Bill Number 626 (COR), as substituted by the Committee, in order to timely resolve these land condemnation cases.



24th GUAM LEGISLATURE

# SENATOR JOHN C. ACHO SALAS CHAIRMAN

## COMMITTEE ON AGRICULTURE, LAND, HOUSING, COMMUNITY AND HUMAN RESOURCES DEVELOPMENT

### TESTIMONY SIGN IN SHEET

Tuesday, May 20, 1997

Bill Number 114

Title: An Act to authorize Governor to exchange Lot Nos. 1 and 18, Block 24, New Agaña to Francis L. Moylan and Yuk L. Moylan.

NAME	ADDRESS	FOR	AGAINST	WRITTEN	ORAL
<i>Richard Lopez</i>	<i>Francis Moylan Co.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>L. Moylan</i>	<i>SELF</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>CLTC</i>	<i>CLTC</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Post Office Box 78  
Agaña, Guam 96932

October 2, 1997

Senator John C. Salas  
Chairperson, Committee on Agriculture,  
Land, Housing, Community Planning & Human  
Resources Development  
Twenty-Fourth Guam Legislature  
Agaña, Guam 96910

Hafa Adai Senator Salas:

I am requesting your support in not overriding Bill 114, "An Act to Authorize the Governor to Exchange Lot Nos. 17 and 18, Block 24, New Agaña, Guam to Francis L. Moylan and Yuk Lan Moylan." I would like to apologize for not making my opposition to Bill 114 known earlier. However, it was only within the last month that my family became aware that another bill of this type was passed by the Legislature. For the last five years, my family has made it known to both the Executive and Legislative branches on our opposition of this type of bill which concerns Lot 18 of Block 24.

My reasons for opposing to the overriding of this bill are as provided:

In 1973, Lot 18 of Block 24 was condemned by the Government of Guam for government requirements. My husband's grandfather, Juan Mendiola Leon, owned the largest lot within Lot 18.

In March 1992, a bill was introduced in the Legislature authorizing the Government of Guam to negotiate the sale of Lot 18 of Block 24 to another Agaña original landowner, Mrs. Naarina Blas Toves, of that lot. When the bill was sent to the Executive Branch for comments, Department of Land Management's records revealed that my husband's family owned the largest pre-war lot within Lot 18. According to the Director of Land Management, Mr. Frank Castro, he informed the Legislature that as a matter of eligibility based on Land Management's policies, the Leon family are considered the priority buyer and are entitled to purchase the lot since they are the largest pre-war lot owner within Lot 18.

Letter to Senator John C. Borja  
Page 2

At the same time, the Director of Land Management contacted the family and informed them of the bill. A meeting was held with Mr. Castro and the family expressed clear interest in purchasing the lot. Our sentiments were also expressed to Governor Joseph Ada.

Based on a decision by the former Governor Joseph Ada that no further re-sale of government lots within Lot 24 would be negotiated, Director Castro submitted testimony against the bill to the Legislature and provided the following :

- (1) Governor Ada did not wish to sell the land because he wanted it for government use; and
- (2) the family requesting for the sale would not have top priority since they were not the biggest original owner within the lot.

He recommended that the bill be totally discontinued since it was evident that the government wanted the remainder of Block 24 for their use.

Again, in October 1993 the Acting Director of Land Management, at that time, had submitted a memorandum to the Governor recommending that the Government of Guam exchange lots 17 and 18 in Block 24 for 8 small pre-war lots owned by the Moylans. This was brought to my attention by a newspaper reporter who at the time was doing an investigative report on the condemnation of Agaña property. The reversal of the government's position was confusing. It was reiterated to the reporter that family is still interested in the purchase of such lot.

The reporter then contacted Mr. Castro and queried as to why the Government was reversing its position. The newspaper article which ran on November 9, 1993 reported that the government reversed its position on the land exchange and still wanted to utilize the land for government use. In the newspaper article, Joseph Borja, who was the Director of the Chamorro Land Trust Commission, indicated that he wished to use the property for their offices. The memorandum to the Governor was disregarded. In a conversation with Mr. Castro, he apologized to the family about the situation.

On December 10, 1996 my wife had submitted a testimony on my behalf opposing to Bill 283. This bill was sponsored by former Speaker Gordon Parkinson. This bill also was an act to authorize the Governor of Guam to exchange lot numbers 17 and 18, Block 24, New Agaña to Francis L. Moylan and Yuk Lan Moylan. The committee members present were Senators Angel Sam and Elizabeth Barrett-



Letter to Senator John C. Santos  
Page 3

Anderson. My reasons stated above were provided to the Senators. I told them that the Government's reversal on its position on the sale of Lot 18 was confusing.

In my testimony of 1996, I informed the senators that if the government has no use for any of the properties it condemned, then the original owners or their heirs should be given the first offer to purchase the original properties.

Be advised that records of Land Management would show that the Moylans are NOT the original owners of Lot 17 and 18. Such documents were provided to Senator Santos' committee under Bill 283. If research is conducted, it would show that such lots actually belonged to other land owners, such as, former G. Ricardo Santos' wife, Nacrina Toves and my grandfather, Juan Leon.

I feel that overriding this bill would be unfair to the original landowners who have already expressed to our leaders their feelings of this type of expropriation.

I am humbly soliciting your support and take into consideration the rights of the original landowners and totally disregard this bill.

Si Yu'os Ma'ase,

*Frankie P. Leon*  
FRANKIE PEREZ LEON

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902

**TESTIMONY IN SUPPORT OF BILL 114 (COR)**  
**Committee on Agriculture, Land, Housing, Community Planning & Human**  
**Resource Development**  
**(Tuesday, May 20, 1997)**

This written testimony is submitted by Francis L. Moylan and Yuk Lan Moylan in support of Bill Number 114 (COR), which was sponsored by Senators Alberto C. Lamorena and Mark Forbes and introduced on February 5, 1997.

The legislation seeks to compensate us for our Agana fractional lots taken by the government of Guam during the 1960s and 1970s under the intention to provide a "uniform block system" in Agana. As part of the condemnation actions, District Court of Guam Civil Case Numbers 38-66, 100-69 and 147-73 were filed. Numerous other condemnation cases were likewise filed against other Agana fractional lot holders. To date all cases and claims, *except ours*, have been settled either by land exchanges by the Guam Legislature, accepting compensation for the lands taken or defaults, wherein compensation was given. Bill 114 (COR) seeks to specifically redress our condemnation cases through a land exchange, as were other land owners in the past, vis-à-vis receipt of Lots 17 and 18, Block 24, Agana. These lots are in exchange for our Agana fractional lots numbers 602AG, 604AG, 616AG, 624AG, 734-1A, 559AG and 169AG Old Agana, Guam. Our Agana fractional lots totalled 1,003.38 square meters while lots 17 and 18, Block 24, Agana, total 1,052.22 square meters.

Although other former Agana fractional lot owners may lay claim to Lots 17 and 18, Block 24, Agana, their respective claims have already been settled by the District Court of Guam and the government of Guam. It is important to point out that although the largest fractional lot owners within the new lot system were afforded the opportunity in the past to purchase said lot (priority system), their rights were treated as forfeited when they received compensation or another land exchange. In this case all lot owners except us have received land exchanges or

(u)

compensation, and this exchange should rightfully go to settle our unresolved condemnation cases.

In addition, although Lots 17 and 18, Block 29, Agana are in the inventory of the Chamorro Land Trust, the lots should not have been placed into that inventory originally and should rightfully have been reserved for our land exchange, which we have been working on for years with the Department of Land Management and the Attorney General's Office, even before the transfers to the Trust inventory. The Agana condemnation cases were started *before* the enactment of the Chamorro Land Trust and to that extent were an obligation of the government of Guam to resolve, either by land exchange or compensation. Further, the Department of Land Management had identified Lots 17 and 18, Agana for our land exchange before numerous properties were transferred to the Chamorro Land Trust. **Exhibit A.**

It is clearly within this Legislature's authority to permit this land exchange to rectify an obligation of the government of Guam that it incurred in the past. The Chamorro Land Trust was intended to provide *residential* properties to families. Lots 17 and 18, Agana though were, and continue to be, clearly *commercial* properties. Most recently this Twenty-Fourth Guam Legislature passed Bill 152 (COR), which was signed into law on March 21, 1997 as P.L. 24-15, which removed properties from the Chamorro Land Trust in order to correct erroneous transfers to said Trust. **Exhibit B.** The facts in our case strongly warrant that the Guam Legislature settle this last condemnation case by authorizing the exchange in Bill 114 (COR).

Time is of the essence. Under the District Court of Guam condemnation cases, Federal Judge Alfred T. Goodwin afforded us the opportunity to seek a land exchange with the government of Guam. **Exhibit C.** Further the Attorney

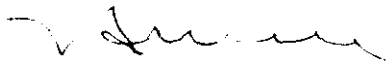
General's Office has been very cooperative by stipulating to permit us time to effectuate a land exchange.

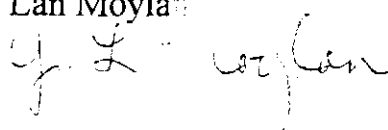
The Guam Legislature has in the past passed land exchanges for the Agana fractional lot owners, including within Block 24. **Exhibit D**, attached, shows that in Public Law 21-26 on May 17, 1991 the Guam Legislature and Governor authorized the exchange of fractional lots for Lot Number 10, Block 24, Agana for Mr. George P. Muna.

Also attached as **Exhibit E** are the real property deeds showing that we purchased the various Agana fractional lots.

We have acted dissentently with the Legislature and the Senators in order to finally rectify what might be characterized as an injustice to real property owners' rights. Unfortunately we are also moving on in years and hope that we see this equitable land exchange before we pass on. We respectfully ask that this Legislature finally return in kind what it took from us decades ago through this land exchange.

Thank you for this opportunity to testify.

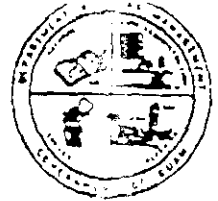
  
Francis L. Moylan  
Yuk Lan Moylan





DEPARTMENT OF LAND MANAGEMENT  
(DIPATTAMENTON TANG)

Government of Guam  
P.O. Box 2950  
Agana, Guam 96910



JOSEPH F. ADA  
Governor

FRANK F. BLAS  
Lieutenant Governor

Te. (671) 475-LAND • Fax: (671) 477-0883

F. L. G. CASTRO  
Director

JOAQUIN A. ACFALLE  
Deputy Director

OCT. 07 1993

Memorandum

To: The Governor  
From: Director, Department of Land Management  
Subject: Disposal of Government Land by Exchange  
Lot Nos. 17 and 18, Block No. 24, Agana  
Reference: Applicant - Mr. F.L. Moylan represented  
by Mr. Thomas Keeler, Attorney-At-Law

This seeks your approval to a proposed exchange of Mr. Moylan's District Court Land Condemnation Proceedings of his Lot Nos. 49S1, 169AG, 559AG, 564AG, 604AG, 602AG, 734-1AG and 624AG, Agana, Guam, for government properties, Lot Nos. 17 and 18, Block No. 24, New Agana.

To effectuate this request, legislation is needed since statutory procedures for disposal has been repealed as a result of the enactment of Public Law 12-226 (Chamorro Land Trust Commission Act).

Agencies input were sought relative to the subject matter and those responded were favorable except Bureau of Planning, indicating that Declaration of Taking; that "the sum of money estimated... to be just compensation for the lands...taken was deposited in the Registry of the District Court of Guam for the use and benefit of the persons entitled thereto."

Mr. Keeler representing Mr. Moylan, addressed Bureau of Planning's concern (copy attached) that the parties stipulated judgment in Civil Action No. 38-86, entered by order of the District Court of Guam on March 2, 1993, specifically provides for the land exchange. Copies of all pertinent data are attached for your review and references.

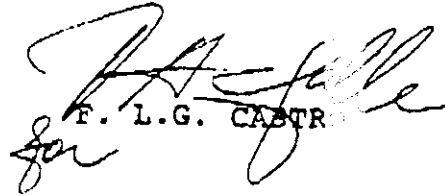
EXHIBIT A



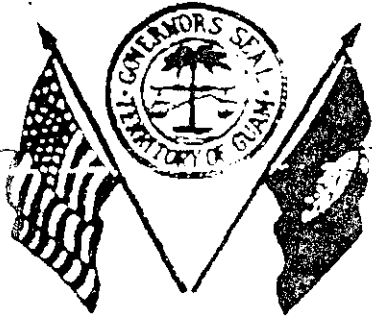
Memo - The Governor  
Subject: Land Exchange  
F. L. Moyle  
Page 2 of 2

The exchange will be on a value for value basis which will be determined by two (2) licensed appraisers to be provided by the applicant at his expense for all properties involved at a later date.

In light of the above we recommend the proposed exchange. Should you agree with our recommendation, a letter of transmittal to the Speaker is attached for your signature.

  
F. L. G. CASTRO

Attachment



12-2-93

*Territory of Guam*  
*Territorio de Guam*

OFFICE OF THE GOVERNOR  
MUNICIPALIDAD  
AGANA, GUAM 96910

Honorable Joe T. San Agustin  
Speaker  
Twenty-Second Guam Legislature  
P.O. Box CB-1  
Agana, Guam 96910

Dear Mr. Speaker:

Forwarded for your review and expeditious action is a proposed exchange requested by Mr. F.L. Moylan who is represented by Thomas Keeler, Attorney-At-Law; District Court Land Condemnation Proceedings of his Lot Nos. 4951, 169AG, 559AG, 564AG, 604AG, 602AG, 734-1AG, and 614AG, Agana, Guam, for government properties, Lot Nos. 17 and 18, Block No. 24, New Agana.

To effectuate this request, legislation is needed since statutory procedures for disposal has been repealed as a result of the enactment of Public Law 12-226 (Chamorro Land Trust Commission Act).

Agencies input were sought relative to the subject matter and those responded were favorable except Bureau of Planning, indicating that Declaration of Taking; that the sum of money estimated... to be just compensation for the lands...taken was deposited in the Registry of the District Court of Guam for the use and benefit of the persons entitled thereto.

Mr. Keeler representing Mr. Moylan, addressed Bureau of Planning's concern (copy enclosed) that the parties stipulated judgment in Civil Action No. 27-66, entered by order of the District Court of Guam on March 2, 1993, specifically provides for the land exchange. Copies of all pertinent data are enclosed for your review and references.

The exchange will be on a value for value basis which will be determined by two (2) licensed appraisers to be provided by the applicant at his expense for all properties involved at a later date.

Letter - The Speaker  
Subject: Land Exchange  
F. L. Moyle  
Page 2 of 2

In light of the above, I have given my consent and I trust the Legislators will do likewise.

Si Yu'os' Ma'ese',

JOSEPH F. ADA  
Governor of Guam

Enclosure





CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

MAR 21 1997

The Honorable Antonio R. Unpingco  
Speaker  
Twenty-Fourth Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Agana, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>10:47 am</u>
Date	<u>3/24/97</u>

Dear Speaker Unpingco:

Enclosed please find Bill No. 152 (COR), "AN ACT TO AMEND AND CORRECT THE DEPARTMENT OF LAND MANAGEMENT'S DOCUMENT NO. 505740, LANDS TRANSFERRED TO THE CHAMORRO LAND TRUST COMMISSION, TO REVERSE THE ERRONEOUS TRANSFER OF PRIVATELY HELD PROPERTY; AND TO CORRECT DLM DOCUMENT NO. 505740," which I have signed into law today as Public Law No. 24-15.

I am pleased to help remove a cloud hanging over the titles to 22 privately owned lots which had been mistakenly transferred to the Chamorro Land Trust Commission. These property owners were forced to wait for more than three years for the Legislature to enact this simple corrective measure, which eliminates 22 erroneous entries on a Department of Land Management document.

These property owners can now make full use of the property that is rightfully theirs.

Very truly yours,

[Signature]  
Carl T. C. Gutierrez

Attachments:

00115

Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: 3/21/97  
Time: 3:20pm  
Rec'd by: [Signature]  
Print Name: Monique