



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

Office of the Speaker  
ANTONIO R. UNPINGCO

Date: 8/11/98

Time: 11:15 AM

Rec'd by:

Print Name: ANNE THOMAS

Refer to  
Legislative Secretary

AUG 14 1998

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

OFFICE OF THE LEGISLATIVE SECRETARY	
ADMINISTRATIVE UNIT	
Received By	<i>Polaris</i>
Time	8:45 am
Date	8/18/98

Dear Speaker Unpingco:

Enclosed please find Bill No. 646 (COR), "AN ACT TO REQUIRE /  
MAGA'LAHEN GUAHAN TO EXCHANGE GOVERNMENT LAND IN DEDEDO FOR  
PROPERTY TAKEN FROM MR. JUAN INDALECIO AND MRS. MAGDALENA  
UNPINGCO SALAS BY THE GOVERNMENT OF GUAM", which I have signed  
into law today as **Public Law No. 24-260**.

Very truly yours,

Carl T. C. Gutierrez  
I Maga'lahen Guahan  
Governor of Guam

00976

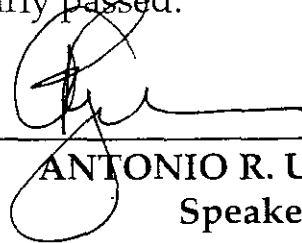
Attachment: copy attached for signed bill  
original attached for vetoed bill

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

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 Bill No. 646 (COR), "AN ACT TO REQUIRE I MAGA'LAHEN GUAHAN TO EXCHANGE GOVERNMENT LAND IN DEDEDO FOR PROPERTY TAKEN FROM MR. JUAN INDALECIO AND MRS. MAGDALENA UNPINGCO SALAS BY THE GOVERNMENT OF GUAM," was on the 29<sup>th</sup> day of July, 1998, duly and regularly passed.



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ANTONIO R. UNPINGCO  
Speaker

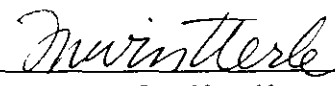
Attested:



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JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by *I Maga'lahaen Guahan* this 3rd day of August, 1998,  
at 4:55 o'clock P.M.



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Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:



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CARL T. C. GUTIERREZ  
*I Maga'lahaen Guahan*

Date: 8.14-98

Public Law No. 24-260

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

**Bill No. 646 (COR)**

As amended on the Floor.

Introduced by:

Francisco P. Camacho

J. C. Salas

T. C. Ada

F. B. Aguon, Jr.

A. C. Blaz

J. M.S. Brown

Felix 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

L. A. Leon Guerrero

V. C. Pangelinan

A. L.G. Santos

F. E. Santos

A. R. Unpingco

J. Won Pat-Borja

**AN ACT TO REQUIRE *I MAGA'LAHEN GUAHAN***  
**TO EXCHANGE GOVERNMENT LAND IN**  
**DEDEDO FOR PROPERTY TAKEN FROM MR.**  
**JUAN INDALECIO AND MRS. MAGDALENA**  
**UNPINGCO SALAS BY THE GOVERNMENT OF**  
**GUAM.**

1           **Section 1. Legislative Findings.** *I Liheslaturan Guahan* finds that  
2 despite numerous attempts over the years by Mr. Eduardo U. Salas to obtain  
3 compensation for the taking of his parent's land in Agana Heights, in the  
4 Municipality of Sinajana by the government of Guam for the Guam Housing  
5 and Urban Renewal Authority ("GHURA"), the matter remains unresolved.  
6 Years of negotiations to exchange the condemned lot for another lot has been  
7 pending.

8           *I Liheslaturan Guahan* further finds that on February 21, 1967, a Notice of  
9 Condemnation, Civil Case Number 13-67, was issued by the District Court of  
10 Guam for 44,235 square meters of land in Agana Heights in the Municipality  
11 of Sinajana for the development and provision of low rent public housing  
12 with assistance as authorized by the U.S. Housing Act of 1937. Of the total  
13 land area, the heirs of Mr. Juan Indalecio and Mrs. Magdalena Unpingco  
14 Salas, represented by Mr. Eduardo U. Salas, have not been compensated for  
15 23,641.22 square meters of land. Compensation for the taking in the amount  
16 of Six Thousand Three Hundred Twenty-four Dollars and Ninety-two Cents  
17 (\$6,324.92) was deposited and remains in the Registry of the District Court of  
18 Guam.

19           Pursuant, therefore, to Public Law Number 22-73, which requires the  
20 government of Guam to properly compensate landowners whose property  
21 has been taken for public use, *I Liheslaturan Guahan* does hereby enact as  
22 follows.

23           **Section 2. Land Exchanged Required.** Notwithstanding any provision  
24 of law, *I Maga'laken Guahan* shall exchange on a value-for-value basis, an  
25 undetermined portion of Lot Number 10120-R19, Municipality of Dededo,

1 Guam, containing an area of 156,821.92+ sq.m., as said Lot is marked and  
2 designated on the Re-Subdivision Survey Map of Lot Number 10120-R18,  
3 Drawing Number FC96-022, prepared by Mr. Frank L.G. Castro, R.L.S. #19,  
4 dated July 9, 1996, and recorded on July 11,1996, at the Department of Land  
5 Management, government of Guam, under instrument number 548595 with  
6 20,540 sq. meters of Lot Number 3060-New-3, 3069.22 sq. meters of Lot  
7 Number 3061-5, and 32 sq. meters of Lot Number 3061-5pt.-1, Agana Heights,  
8 Municipality of Sinajana, Guam, as fair compensation for said land which was  
9 taken from the heirs of Mr. Juan Indalecio and Mrs. Magdalena Unpingco  
10 Salas by the government of Guam through condemnation procedures,  
11 referenced as District Court of Guam Civil Case Number 13-67.

12 **Section 3. Appraisals, Survey, Mapping and Registration.** The  
13 Department of Land Management ("Department") shall have the properties to  
14 be exchanged under this Act appraised by two (2) independent appraisers  
15 licensed to do business on Guam. The two (2) appraisals shall be completed  
16 within one hundred eighty (180) days of this Act. The averages of the two (2)  
17 appraisals shall be used as the values for the basis of such exchange. The  
18 Department shall have such properties surveyed, mapped and registered. All  
19 costs associated with the exchange authorized herein shall be charged against  
20 the funds deposited in escrow in the Registry of the District Court of Guam.  
21 Any shortage shall be absorbed by the government of Guam. Any overage of  
22 funds shall revert to the General Fund of the government of Guam.

24-260



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

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

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May 22, 1998

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

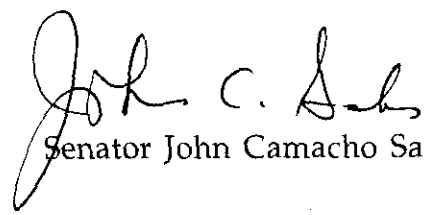
Dear Speaker Unpingco:

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 646 (COR), **"An Act to require *Maga'lahaen Guahan* to exchange government land in Dededo for property taken from Mr. Juan Indalecio and Mrs. Magdalena Unpingco Salas by the government of Guam."**

Bill 646 is virtually identical to Bill 313, a bill which received a public hearing on October 20, 1997.

Thank you for your favorable consideration on this matter.

Sincerely,

  
Senator John Camacho Salas



24th GUAM LEGISLATURE

# SENATOR JOHN CAMACHO SALAS

CHAIRMAN

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

### VOTING SHEET

BILL NUMBER 646

TITLE An Act to require *Maga'lahaen Guahan* to exchange government land in Dededo for property taken from Mr. Juan Indalecio and Mrs. Magdalena Unpingco Salas by the government of Guam

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



24th GUAM LEGISLATURE

# SENATOR JOHN CAMACIO SALAS CHAIRMAN

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

### TESTIMONY SIGN IN SHEET

Bill Number **313**

Title An Act to authorize the Government of Guam to exchange government land in Dededo for property taken from Juan Indalecio Salas and Magdalena Unpingco Salas by the Government of Guam for Guam Housing and Urban Renewal Authority.

Monday, October 20, 1997

Name	Organization	PH Testimony
MAYOR PAUL McDONALD	AGANA HTS MAYOR'S OFFICE	<input checked="" type="checkbox"/> ORAL <input checked="" type="checkbox"/> FOR <input type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST
RODOLFO LUTAN	GHURA	<input checked="" type="checkbox"/> ORAL <input checked="" type="checkbox"/> FOR <input type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST
JOE GAN NICHOLS	GHURA	<input checked="" type="checkbox"/> ORAL <input checked="" type="checkbox"/> FOR <input type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST
Eduardo T. Salas	self (retired)	<input type="checkbox"/> ORAL <input type="checkbox"/> FOR <input checked="" type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST
Reine T.L. Salas	self (472-8232)	<input type="checkbox"/> ORAL <input checked="" type="checkbox"/> FOR <input checked="" type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST
SALAS, Pedro U.	AGANA HTS 472-8232	<input checked="" type="checkbox"/> ORAL <input checked="" type="checkbox"/> FOR <input type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST
Dueñas, Leonisa S.	Agaña HTS 977-9386	<input type="checkbox"/> ORAL <input checked="" type="checkbox"/> FOR <input checked="" type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST
Aguino, Anna B.	Agaña HTS 977-9386	<input type="checkbox"/> ORAL <input checked="" type="checkbox"/> FOR <input checked="" type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST
Salas, REBECCA L.	Agaña HTS 472-8232	<input type="checkbox"/> ORAL <input checked="" type="checkbox"/> FOR <input checked="" type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST
Dueñas, MARISSA JEAN SALAS	Agaña HTS 477-9386	<input type="checkbox"/> ORAL <input checked="" type="checkbox"/> FOR <input checked="" type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST
JOSEPA M. BORJA	ELTC	<input type="checkbox"/> ORAL <input checked="" type="checkbox"/> FOR <input checked="" type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST
		<input type="checkbox"/> ORAL <input type="checkbox"/> FOR <input type="checkbox"/> WRITTEN <input type="checkbox"/> AGAINST
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## PUBLIC UTILITY AGENCY OF GUAM

Government of Guam  
Post Office Box 3010, Agana, Guam 96910  
Phone: (671) 646-8891-6 / 649-7824  
Fax: (671) 649-0158

OCT 20 1997

Senator John Camacho Salas  
Chairman, Committee on Agriculture, Land  
Housing, Community & Human Resources Development  
Twenty-fourth Guam Legislature  
155 Hesler Street  
Agana Guam 96910

Hafa Adai Senator Salas!

In response to your memo of October 15, 1997 regarding a public hearing for bills 313, 351 and 358, please note the following comments:

1. Bill 313:

Presently, GWA has a total of two (2) production deep wells (D-12 & D-13) situated on Chamoru Land Trust Commission lot No. 10120-R16. Each of these wells uses approximately 2500 square feet for the well head, the control room, the chlorination and fluoridation room, and the generator building. Additional space for the maneuvering of equipment and vehicles is presently available for both wells.

The lot is located directly above the Tumon water aquifer, Guam's largest aquifer and is included in the GEPA Guam Groundwater Management Zone. Consequently, property lots in this zone that are smaller than 20,000 square feet must be hooked up to a sewer collection system and are not allowed the use of on-site wastewater disposal systems (septic tanks with leaching fields). Lot 10120-R16 does not have a sewer collection system and will be subject to these restrictions.

GWA requests that these stated concerns are duly considered and included during the Department of Land Management's assessment of the portion of lot 10120-R16 that will be exchanged to satisfy Bill 313.



Commonwealth Now!

2. Bill 351:

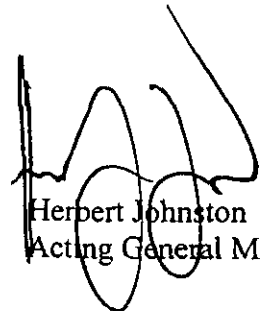
Presently, GWA has a total of one (1) production deep well (A-32) situated on lot No. 64-3. Approximately 2500 square feet for the well head, the control room, the chlorination and fluoridation room, and the generator building are needed to accommodate the existing well. Additional space for the maneuvering of equipment and vehicles is presently available for deep well A-32.

The lot is located directly above the Ordot water aquifer and is included in the GEPA Guam Groundwater Management Zone.

3. Bill 358:

GWA's supports the exchange and only requests that the concerns stated earlier are again given due consideration and included in the Department of Land Management's assessment and selection of the portion of lot 10120-R16 to be exchanged.

Thank you for the opportunity to comment on these proposed bills. If we can be of further assistance, please do not hesitate to call my office at 479-7805.



Herbert Johnston  
Acting General Manager

file

# Chamorro Land Trust Commission

P.O. Box 2950 Agana, Guam 96910

Phone: 476-4261 Fax: 477-8082

Carol A. Ibanez, Chairperson  
Rita C. Okada, Commissioner  
John Q. Finona, Commissioner  
Joseph T. Gumataotao, Commissioner  
Tomas T. Aguon, Commissioner

Joseph M. Borja  
Administrative Director

Lydia T. Cruz  
Deputy Administrative Director

October 20, 1997

Testimony  
on  
Bill 313, Bill 351, Bill 358 and Bill 377

Bill 313

No objections to the bill. A 70 acre portion of Lot 10120-R16, Dededo was reserved under P.L. 22-18 for this type of exchange, said portion is not in the Chamorro Land Trust Available Lands Inventory.

Bill 351

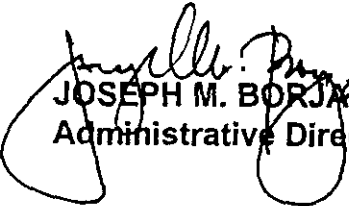
No objections to the bill. This lot is not in the Chamorro Land Trust Available Lands Inventory.

Bill 358

No objections to the bill. A 70 acre portion of Lot 10120-R16, Dededo was reserved under P.L. 22-18 for this type of exchange, said portion is not in the Chamorro Land Trust Available Lands Inventory.

Bill 377

No comment.

  
JOSEPH M. BORJA  
Administrative Director

Re: Bill 313

**FILED**  
District Court of Guam  
Agana, Guam  
FEB 21 1967

2

*Francis J. ...*  
CLERK

IN THE DISTRICT COURT OF GUAM  
TERRITORY OF GUAM

THE GOVERNMENT OF GUAM,	)
	)
Plaintiff,	)
	)
vs.	)
	)
44,235 SQUARE METERS OF LAND,	)
more or less, in AGANA HEIGHTS,	)
SINAJANA, and JUAN U. SALAS,	)
et al., and UNKNOWN OWNERS,	)
	)
Defendants.	)

CIVIL CASE NO. 13-67

DECLARATION OF TAKING

WHEREAS, pursuant to Chapter 10 of Title XIV, Government Code of Guam, Public Law 7-136 (Guam), Resolutions Nos. 227 and 228 of the Eighth Guam Legislature, Section 1001, Civil Code of Guam, and Public Law 8-14 (Guam), the above-entitled action was commenced;

NOW, THEREFORE, pursuant to Public Law 8-14, I hereby make and cause to be filed this Declaration of Taking and by authority thereof hereby state that title in fee simple to 44,235 square meters of land, more or less, in the municipality of Sinajana, is taken for the use and benefit of the territory of Guam. The lands so taken are particularly described and delineated on Drawing No. C4-67T499, a copy of which is attached and incorporated herein as Exhibit A.


The use for which the lands are taken is the development and provision of low-rent public housing with assistance as authorized by United States Housing Act of 1937, as amended.

I hereby state that the sum of money estimated by me to be just compensation for the lands hereby taken is Forty Thousand Dollars (\$40,000.00), which sum is hereby deposited in the Registry of the Court for the use and benefit of the persons entitled thereto, whose names, so far as now known, are listed in

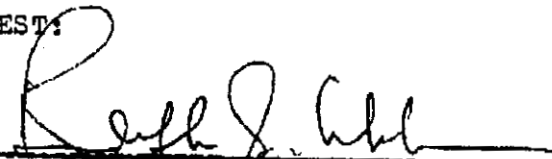
Schedule A, attached to and made part of this declaration.

I am of the opinion that the ultimate award for the taking of these lands will be within the limits prescribed by law.

IN WITNESS WHEREOF, I have signed this Declaration of Taking in the City of Agana, this 20th day of February, 1967.

  
DENVER DICKERSON  
Acting Governor of Guam

ATTEST:

  
ROSOLPH SABLAN  
Acting Secretary of Guam

SCHEDULE A

PUBLIC HOUSING SITE NO. 4

<u>TRACT NO.</u>	<u>LOT NO.</u>	<u>AREA (Sq.M)</u>	<u>OSTENSIBLE OWNERS</u>
1	3060-NEW-3 and 3060-NEW-2	20,540 920	Juan N. Salas, Pedro U. Salas, Francisco U. Salas, Eduardo U. Salas, Leonisa S. Duenas, Rosita U. Salas, Maria U. Salas, and Sylvia S. Diaz
1A	3060-NEW-3	Building	Sylvia S. Diaz
2	3060-2-3 and 3060-2-R3	1,703 16,062	Jesus I. Salas
3	3061-5	3,069	Sylvia S. Diaz, Juan U. Salas, Pedro U. Salas, Francisco U. Salas, Eduardo U. Salas, Leonisa S. Duenas, Rosita U. Salas, and Maria U. Salas
4	3061-5pt-1	32	Jose L. G. Calvo
5	3069-1-1	1,889	Emeterio G. Salas and Erigida L. G. Salas

SCHEDULE A

October 20, 1997

To: The Guam Legislature  
From: Eduardo Unpingco Salas  
Subject: Testimonial Regarding Bill 313: Land Exchange for the Condemnation of the  
Agana Heights Property, own by Juan Indalecio and Magdalena Unpingco  
Salas

Honorable Senators,

I am Eduardo Unpingco Salas, the administrator for, and one of the heirs of, Magdalena Unpingco Salas, whose land was taken in 1967 by the government of Guam through condemnation for GHURA public low cost housing. The land is situated in Agana Heights Site 4 low cost housing. The land is described as lot no. 3060-New-3 and 3061-5 for a total of 23,609 square meters.

For the past 30 years, I have spoken to numerous lawyers, senators, administrators in an attempt to try and exchange the land and still nothing was resolved. On several occasions, I have spoken to administrators of land management asking for their help in finding suitable land to exchange for the land condemned. It turned out to be a polite brush off. Whenever I visited them they would assure me that they are working on it, but nothing was ever done. It turned out that they did not want to sit down and take the initiative to

resolve the land taken from us.

During the course of these 30 years I have hired several lawyers to help me obtain just compensation for the land taking. I am a federal civil service worker and my wife is a teacher. Needless to say, I could not afford to continue hiring lawyers for their legal advice and services.

I hand delivered a letter to the Governor of Guam back in 1989. It turned out to be another polite brush off. One of the Governor's staff assured me that I would hear from him at a later date, but I never received any word from him or anyone from the Governor's office. I have also spoken to several senators during this 30 year period but, again, no result.

The government of Guam, in general, has deprived us, the heirs of Magdalena Unpingco Salas, the right to their land for 30 years. GHURA continues to collect rental income on property that was once ours, yet we were never given any just compensation for the taking. GHURA makes money while we are not given the right to build for our own economic benefit. For years, the condemnation has robbed us of our opportunity to utilize the property to our best economic advantage. GHURA is making money and while we are economically deprived of our rights.

In 1967 my entire family was still grieving over the loss of my mother who died 3 years earlier. My father died in 1942 leaving my mother the Agana Heights property to raise me and my brothers and sisters. Life without my father was hard, but my family was



able to survive through farming the land. Without properly notifying me or my brothers and sisters, the government brought in bulldozers and told us we had 30 days to vacate our homes in Agana Heights. The government of Guam even offered to pay us in cash for the land taking. Our family refused to take the money, instead insisting, then and now, to received government land of equal value.

At the time of the condemnation, I was 34 years old with a wife, 3 children and no where else to go. It is now almost the end of 1997. I am now 63 years old, my children are all grown with children of their own, and still this land issue has not been resolved. I know that life is short and I would like to leave this Earth knowing that this issue has been resolved.

I pray that this committee will resolve this long overdue settlement of land taken through condemnation.

I want to thank you for giving me this opportunity to give this testimony.

Sincerely,

  
Eduardo U. Salas

OCTOBER 20, 1997

**REF: PROPERTY OF THE LATE JUAN I. & MAGDALEINA SALAS  
AT AGANA HEIGHTS, GUAM**

To Whom it may concern:

My name is Rebecca Salas. I would like to express the following concern on behalf of my family. I am the youngest daughter of Pedro Unpingco Salas and the granddaughter of the late Juan Indalecio Salas of Agana Heights. My grandfather left behind for my fathers family inherited rights to properties at Agana Heights. That land however was stripped thirty years ago by the government with no just compensation or reparation. The land intended by my grandparents for the secured livelihood of its descendants was broken and shattered. The next generation, my father and his brothers and sisters instead were left with uncertainty by the governments undertaken actions. In 1967 the government invaded, took over and claimed our land without due process as we would like to believe exists in our democratic system.

For this generation, the descendants of Juan I. SALAS family are left landless while the government in its whims has benefited in its usage as it fulfills its political agenda. And what if any, did Juan I. Salas Family benefited from this? NOTHING! With this thought, I can't help but share the bitterness, frustration and anger my family has had towards the government in their plight to be heard about the unjust takeover of our property and without just compensation. Thirty years has passed and I am afraid if this continues, I will find myself in my fathers shoes. Adding, the next generation still struggling for some answers, accountability and just reparation from our government. Is there hope for peace in settling this down with our government for my family or are we as chamorros despite any of its generations going to continually feel as second class citizens in our very own homeland? With this, I hope the current government will prove otherwise.

Therefore, I implore the leaders of our government to take great consideration to my families request for just reparation from the takeover of our property at Agana Heights. My family are asking for no more or less but what's rightfully a settlement of exchange of land equivalent to our original property. By doing so, the government will demonstrate its growth towards positive change that works for its people and foremost, will finally fulfill the long lost vision my grandparents now deceased had on its descendants. Simply, having the livelihood of a secured property to build a home and to build and raise a family as we continue to carry our chamorro heritage, the way our ancestors intended.

Sincerely,

  
Rebecca Salas

October 20, 1997

To: The Guam Legislature  
From: Reine Therese Limtiaco Salas  
Subject: Testimonial on Bill 313: Land Exchange: Condemnation of the Agana Heights  
Property owned by Juan Indalecio (Dec.) and Magdalena Unpingco Salas (Dec.)

Honorable Senators,

I am Reine Therese Limtiaco Salas. I am one of several grandchildren of Juan Indalecio (dec.) and Magdalena Unpingco Salas (dec.), whose Agana Heights property, known as lot nos. 3060-New-3 and 3061-5, an area consisting of approximately 23,609 square meters, was condemned by the government of Guam in 1967. My father is Pedro U. Salas, one of Juan and Magdalena's children. My mother is Theresita Limtiaco Salas (dec.), formerly a resident of Asan.

Juan Indalecio Salas passed away before World War II began. He left my grandmother to raise eight (8) young children on the Agana Heights property. On that land she and the children were able to keep from starving by farming a variety of vegetables. They did not have much, but they were a happy family. I know that neither my father nor his brother and sisters thought of living anywhere else but in Agana Heights. In fact, many of them owned a home on the property before it was condemned by the government of Guam for a GHURA low cost housing project. In their wildest dreams they never expected anyone, including their own government, to take the property away from them.

Imagine what it must have been like to see bulldozers appearing on my father's and his brothers' and sisters' property. Imagine the shock and sadness they must have felt as government officials handed them, without any prior warning, a notice demanding that they vacate their beloved home within 30 days and find somewhere else to live. Imagine the anger they must have felt as this piece of property, which has been in their family for generations and which has supported them, is suddenly taken away from them without being given the opportunity to speak out against the condemnation. Imagine 30 years of frustration and

helplessness as they tried to exchange the condemned property with government of Guam of equal value, but were brushed aside because the government has other matters to complete. Imagine seeing GHURA families benefiting from the use of my family's property while they have nothing. The shock may have dissipated, but these feelings of anger, frustration, sadness and helplessness have remained with my family for 30 years.

When the government of Guam condemned my family's land it had taken away the only property on which our families could build their homes. Many of my family members cannot afford to purchase a house and lot on Guam at today's market. Some of my family members can barely make ends meet, trying to raise a family in today's economy. A few of my family members are forced to live with their parents in a small crowded house with no hope of ever building a home of their own.

It is ironic that the government took away our land in order to build low cost housing for families that cannot afford to build a home of their own, yet many of my family members no longer have land to call their own and cannot afford to purchase a simple house and lot for their families.

One of my cousins has four little children and a husband who is their sole supporter. My cousin and her family have this dream of owning their own home, but because of today's economy they have no alternative but to live in a three bedroom home that is owned and also occupied by her parents. They have asked for, and for some unknown reason were denied, government housing assistance because they failed to meet the qualifications. It so happens that the house my cousin and her family live on is surrounded by the Agana Heights property that was condemned by the government. They see first hand the benefits given to other families by the government while she and her family are forced to live under cramp conditions. The saddest part of this scenario is the fact that it is not an isolated incident. I have several family members living on Guam who cannot afford to purchase a home on Guam. I also have family members living stateside who share a desire to return to Guam but who could not afford to purchase a home on Guam at today's market value.

Not too long ago I read in a newspaper article that the legislature, with the Governor's approval, helped certain families exchange their condemned land for land owned by the government of Guam. Our family is asking for nothing more than what was given to these other families.

You must agree that it is **not right** for the government to take land and utilize it for 30 years without compensating the former owner or owners for the taking. Yet, this is exactly what has happened to our family. It is bad enough that the Federal government is cheating the people of Guam out of their lands. It is inexcusable when our own local government cheats its own people out of their own lands.

We have always wanted our condemned land exchanged, value for value, with lands owned by the government. If it was reasonable for the government of Guam to pay for the property at its fair market value in 1967, then it is also reasonable to exchange land for land based on their values at the time of condemnation. This is just an opinion, but at this point in time we just want to settle this issue as soon as possible to the satisfaction of both parties.

I am asking this legislature to please help our family at last resolve this issue. For the past 30 years our family has insisted on receiving land in exchange for the land that was taken. This decision has never wavered. I personally viewed the court documents filed with the District Court of Guam and can truthfully state that none of my family have received any money from the government for the taking of our land, nor do we want monetary compensation for such taking. No amount of money could ever replace land that has been in our family for generations. We refuse to wrestle with the idea of being compensated through other means, like the reduction of our income taxes. We have family members that live stateside who will not be able to take advantage of this local law. All of my family agree that they would prefer land over any other form of compensation. Land is the only thing that we have wanted, and 30 years is certainly enough of a wait.

I thank the Guam Legislature, most especially Senators Frank Camacho and John Salas who have sponsored Bill 313, for taking time out of their busy schedule to hear my family's plea

to end 30 years of injustice done to us by the government of Guam. I personally have nothing to gain from these proceedings, but this is my family and I hope and pray that this issue is resolved expeditiously to the satisfaction of both parties.

Sincerely,

A handwritten signature in black ink, appearing to read "Reine T.L. Salas". The signature is written in a cursive style with a large initial "R".

Reine T.L. Salas

October 20, 1997

To: The Guam Legislature  
From: Leonisa Salas Duenas  
Subject: Testimonial Regarding Bill 313: Land Exchange for the Condemnation of  
Agana Heights Property owned by Juan Indalecio and Magdalena Unpingco  
Salas

Honorable Senators,

I am Leonisa Salas Duenas, my husband is Vicente Flores Duenas, Sr., and I am one of eight children of Juan Indalecio and Magdalena Unpingco Salas.

In 1967 the government of Guam condemned my parent's Agana Heights land, known as lot nos. 3060-New-3 and 3061-5, and area consisting of approximately 23,609 square meters, in order to build GHURA low cost housing. The government had intended to take all of the land, including the house where my brother, Eduardo, and his family lived, and the home me and my husband live with our children. However, my brother, Eduardo, and I fought and won the right to keep each 929 square meters of land where our homes were located. Aside from this small piece of land, I have no other properties to give to my children.

For 30 years, my brothers, sisters and I have almost exhausted every effort to

exchange the land that was taken from us for other lands owned by the government. I was diagnosed with cancer in 1990 and 1991 and lived through two bouts of chemotherapy and radiation therapy. Both times I thought I would pass away without ever resolving this land issue.

I have four children with families of their own. Two of my children live with me because they cannot afford to build their own home. One of my other children rents an apartment because she cannot afford the price of a house. Like every loving parent, I dream of seeing all of my children secured in their own home. I am hoping you will be able to fulfill this dream during my lifetime.

My younger sister, Rosita Salas Krosen, passed away in 1996. She has fought along with the rest of the family in trying to get this land issue resolved. She died and yet this land issue is still not closed.

None of us are getting any younger, but our families continue to grow without a home to call their own. We want this matter done and over with and it is up to you to help us. You are our last hope.

Thank you for finally helping my family resolve this 30 year old headache.

Sincerely,

A handwritten signature in cursive script that reads "Leonisa S. Duenas".

Leonisa S. Duenas



October 20, 1997

To: The Guam Legislature

From: Marissa Jean Salas Duenas

Subject: Testimonial Regarding Bill 313: Land Exchange for the Condemnation of the Agana Heights Property, Owned by Juan Indalecio and Magdalena Unpingco Salas.

Honorable Senators,

Hafa Adai. I am Marissa Jean Salas Duenas. I am 36 years old and the eldest child of Leonisa Unpingco Salas Duenas, daughter to Juan Indalecio (dec.) and Magdalena Unpingco Salas (dec.). I am a single parent of three (3) teenage children.

My grandmother passed away when I was three years old. I remember not long afterwards, the clearing of what I thought was our family land and the excitement I felt of the construction surrounding my parent's home. I did not realize until later, when it was explained to me, that our family no longer owned the land and that our government took it to build a low-cost housing project. Even at that young an age I felt a sense of loss when I heard this news. Many years later, with children of my own, the significance of that loss is magnified.

My sister and brother also have families. I feel for my brother, who has to take extra jobs to be able to pay his rent. My sister does not have the luxury of privacy, living with my parents, trying to raise her four children and save here and there for their dream home.

As for myself, my children are nearly adults. I was brought up to work for what I need and want. My parents have taught me that if I want anything, I would have to earn it. I have tried desparately to save enough money to buy my own home. It is just as difficult to purchase land as it is to build. My struggles continue and my hopes and dreams rest on your actions.

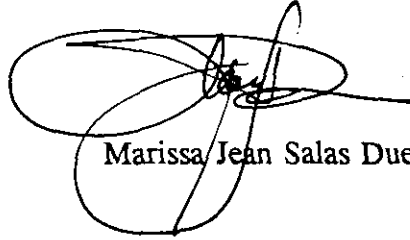
I visit my parents in Agana Heights often. This low-cost housing surrounds their home. Whenever I visit them, I look around and see what the government has taken away from my family... a chance for my sister, brother and I to be able to build homes of our own.

No one should just walk through someone's front door without their permission, go into the kitchen and take whatever they feel like.

For 30 years my mother and her brothers and sisters have tried to resolve this land issue. They are not getting any younger, and the passing of their beloved sister, Rosie, is a continual reminder of the urgency in seeing this issue resolved while the rest of them are still capable of providing living testimony to this matter.

Thank you for granting us this opportunity to correct the taking of my family's property with no just compensation. Si Yu'os Ma'ase'.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Marissa Jean Salas Duenas

October 20, 1997

To: The Guam Legislature  
From: Anna Nadine Duenas Aquino  
Subject: Testimonial Regarding Bill 313: Land Exchange for the Condemnation of the  
Agana Heights Property, own by Juan Indalecio and Magdalena Unpingco  
Salas

Honorable Senators,

I am Anna Nadine Duenas Aquino, I am 32 years old and the youngest child of Leonisa Salas Duenas, one of the children of Juan Indalecio (dec.) and Magdalena Unpingco Salas (dec.). I am a housewife and the mother of four (4) young children. My husband, Joseph Borja Aquino, is the sole supporter of our family.

When my husband and I got married in 1986 we had a dream of owning our own home. We believed that if we stayed with my parents in Agana Heights for a couple of years we would be able to save enough money to buy our dream house. Back in 1986, the market value for homes was affordable. As we all know, the price of real estate has risen considerably since 1986, to the point where my family's dream of owning our own home was beyond our reach. My husband and I have been married for 11 years now and I have almost given up our dream of ever building my own home. You are our last hope.

Half of our problem in owning our home is the fact that we do not own land. Prior to its condemnation, my mother was due to inherit a portion of the Agana Heights property, known as Lot Nos. 3060-New-3 and 3061-5, an area consisting of 23,609 square meters. If it were not for the taking of this land, we could afford to build our own home on land that belonged to my grandparents.

GHURA built low cost housing on the property almost 30 years ago and other families are benefiting from the land that was taken from my family. Yet, I do not own any land and cannot afford to own my own home. My family and I have lived with my parents in their house which surrounds this low cost housing project. It is not fair the GHURA has utilized our condemned property for 30 years while my mother and her brothers and sisters are left with nothing.

My husband and I once applied for GHURA housing back in 1987 only to find out that we did not qualify for a two bedroom living space. GHURA offered to rent us a one bedroom at \$550 a month, not including utilities. Although my husband is a hard worker, he often works two jobs, he does not earn enough to afford GHURA's monthly rent and, at the same time, pay for utilities, food, clothing and other basic necessities.

My mother is 60 years old this year. She almost passed away in 1991 from cancer. By the grace of God she was given a second chance at life. More than anything, she would like to see all of her children have the security of owning their own home. This is one of the main reasons she prefers that the Agana Heights property be exchanged for property of

equal value. Money can never replace the land that we have lost over 30 years ago.

My mother and her sisters and brothers have waited 30 years to exchange the land for the one that was taken from them. We have waited 30 years along with them. All of us are hoping that you will help us resolve this matter as quickly as possible.

Thank you for giving me this opportunity to voice my feelings and concerns regarding the condemnation of my grandparent's land.

Sincerely,

A handwritten signature in black ink that reads "Anna N.D. Aquino". The signature is written in a cursive style with a large, sweeping initial 'A'.

Anna N.D. Aquino

Department of Land Management  
(Dipattamenton Tano)  
P.O Box 2950  
Agana, Guam 96910

FAX

TRANSMITTAL

Tel: (671) 473-LAND Fax: (671) 477-0883

Date: 10/20/97

To: Sen. John Salas

Fax No: 472-3583

Comments: Pls. refer to the attached document  
regarding DCM's testimony on  
Bill Nos. 313, 351, 358, & 377.  
Sorry for the delay.

Transmitted By: Flame

Contact No: 475-5252/5278

No. Of Pages (Including This Sheet): 3

JR  
Bill Testimony  
file jo



CARL T. GUTIERREZ  
*Governor*

MADELEINE Z. BORDALLO  
*Lieutenant Governor*

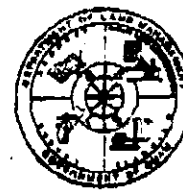
**DEPARTMENT OF LAND MANAGEMENT**  
**(DIPATTAMENTON TANO')**

*Government of Guam*

*P.O. Box 2950*

*Agana, Guam 96932*

*Tel: (671) 475-LAND • Fax: (671) 477-0883*



CARL J. C. AGUON  
*Director*

FRANCISCO P. SAN NICOLAS  
*Deputy Director*

Senator John Camacho Salas  
Chairman, Committee on Agriculture, Land, Housing,  
Community & Human Resources Development  
24th Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

Re: Testimony on Proposed Legislative Bills

Hafa Adai Senator Salas:

Provided herein are the comments/testimony of the Department of Land Management on Bill Nos. 313, 351, 358, and 377.

**Bill No. 313:**

Comments: The U. S. Constitution provides that private land may be acquired by eminent domain provided it is for a lawful public purpose and with just compensation. In this instance, both of these requirements have been satisfied by the Government of Guam. The land owner is responsible for withdrawing the deposited funds or contest the amount via litigation. The department discourages land exchanges to acquire private land. Our dwindling public land inventory must be reserved to meet present and future demands. Therefore, it does not support the enactment of this bill.

**Bill No. 351**

Comments: The Department has no objection and fully supports the passage of this bill.

**Bill No. 358**

Comments: As stipulated in Bill 313, the department discourages land exchanges to acquire private land for public use. And especially when such exchanges involve public lands that are lower in value than the private land. These exchanges result in a disproportional ratio at the detriment of the public land.



Commonwealth Now!

Ltr. To Legislature  
Re: Testimony  
October 20, 1997  
Page 2

There have been exchanges like these in the past that have brought harsh criticisms not only to this department but to our government in general. And this includes the legislature. It is recommended that the Legislature adopt land exchange policies that reconcile land value and acreage. Some of these policies could include:

1. To confine exchanges of private land with similar public land.
2. To deny exchanges that involve unsurveyed-unregistered government claim land.
3. To exclude public lands set aside for planned public uses.
4. To select public lands of comparable area and value.
5. To reject any land exchange when just compensation has been deposited with the courts.

By adopting this land exchange policy, it dissuades against arbitrary land exchanges and fosters prudent land administration decisions and practices.

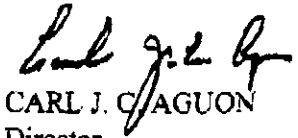
The department does not support the passage of this bill.

**Bill No. 377**

Comments: The Department of Land Management fully supports the intent of this bill to assist those during individuals in times of catastrophic illness requiring off island medical attention/treatment. Therefore, we have no objection to the passage of this bill.

I would like to take this time to thank the 24<sup>th</sup> Guam Legislature for giving us the opportunity to comment on these bills.

Senseramente,



CARL J. CAGUON  
Director

Department of Land Management



**FISCAL NOTE**  
**BUREAU OF BUDGET AND MANAGEMENT RESEARCH**

**BBMR-F7**

Bill Number: 313 (LS) Date Received: 10/08/97  
 Amendatory Bill: No Date Reviewed: 11/12/97

Department/Agency Affected: Land Management  
 Department/Agency Head: Carl Aguon  
 Total FY Appropriation to Date: \$2,764,000 (General Fund)

Bill Title (preamble): **AN ACT TO AUTHORIZE THE GOVERNMENT OF GUAM TO EXCHANGE GOVERNMENT LAND IN DEDEDO FOR PROPERTY TAKEN FROM JUAN INDALECIO SALAS AND MAGDALENA UNPINGCO SALAS BY THE GOVERNMENT OF GUAM FOR GUAM HOUSING AND URBAN RENEWAL AUTHORITY.**

Change in Law: N/A

Bill's Impact on Present Program Funding:

Increase X Decrease \_\_\_\_\_ Reallocation \_\_\_\_\_ No Change \_\_\_\_\_

Bill is for:

Operations \_\_\_\_\_ Capital Improvement \_\_\_\_\_ Other X

**FINANCIAL/PROGRAM IMPACT**

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)			
PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
Natural Resources, Recreation & Arts			1/

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL						
OTHER						
TOTAL						1/

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? \_\_\_\_\_ - IF NO, ADD'L AMOUNT REQUIRED \$ \_\_\_\_\_  
 AGENCY/PERSON/DATE CONTACTED: \_\_\_\_\_

ESTIMATED POTENTIAL MULTI-YEAR REVENUES						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND						
OTHER						
TOTAL						N/A

ANALYST A. Flores DATE 11/12/97 DIRECTOR Joseph E. Rivera, Acting DATE NOV 17 1997

FOOTNOTES: 1/ Although an appropriation measure is not provided, enactment of Bill No. 313(LS) will impact on scarce government land resources, reserved for exchange, estimated at 47.93 acres under Lot No. 10120-R19. It is not known whether all land exchange issues of the government can be addressed with the remaining acreage of under 47.93 acres. It is noted that the bill language provides that costs associated with the exchange authorized herein shall be charged against the funds deposited in escrow in the Registry of the District Court of Guam, with any shortage to be absorbed by the Government of Guam.



**PUBLIC HEARING**  
**REMINDER NOTICE**

**COMMITTEE:**

Senator John Camacho  
Salas, Chairman  
Committee on Agriculture, Land, Housing,  
Community and Human Resources Development

**DATE & TIME:**

Monday, October 20th, 1997, 4:00 P.M.

**LOCATION:**

Legislature Public Hearing Room

**AGENDA:**

Bills 313, 351, 358, 377  
and confirmation of Mr. Luis L.G. Paulino

FOR ADDITIONAL INFORMATION, SEE THE FULL AD IN THE MONDAY, OCTOBER 13TH  
ISSUE OF THE PDN OR CONTACT THE OFFICE OF SENATOR JOHN CAMACHO SALAS.  
PH: 472-3585 FAX: 472-3583 E-MAIL: jsalas@sensalas.guam.net

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and notice, they submit the them with the necessary vouchers in the Office of the Clerk of the Superior Court of Guam, Agana, Guam or exhibit them with the necessary vouchers to the said Mary Agnes Perez, Administratrix, or to Peter F. Perez, attorney, at Agana, Guam, the same being the place for the transaction of the said Estate.

Dated: Oct. 7, 1997

/s/MARY AGNES PEREZ,  
Administratrix

**Senator John Camacho Salas**

Chairman of the Committee on

Agriculture, Land, Housing, Community and Human Resources Development

**Notice of Public Hearing**

Legislature Public Hearing Room, Monday, October 20th, 1997

**Starting at 4:00 P.M.**

- ✓ Confirmation of Mr. Luis L.G. Paulino, Member of the Guam Housing and Urban Renewal Authority Board of Commissioners, to complete the unexpired term of Mr. Vicente Sanchez, ending May 6, 1999.
- ✓ Bill 313 - An act to authorize the government of Guam to exchange government land in Dededo for property taken from Juan Indalecio Salas and Magdalena Unpingco Salas by the government of Guam for Guam Housing and Urban Renewal Authority.
- ✓ Bill 351 - An act to repeal and re-enact §40113(h)(3) of Chapter 40 of Title 5 of the Guam Code Annotated, relative to designating Lot No. 64-3, Agaña Heights, Guam as a community park and transferring the lot to the control of the Mayor of Agaña Heights.
- ✓ Bill 358 - An act to authorize the Governor of Guam to exchange a portion of land reserved for land exchanges with private property that is needed by the government for a ponding basin.
- ✓ Bill 377 - An act to amend §5411 of Title 12 GCA, as amended by P.L. 20-113, relative to the Astumbo Subdivision Program, to allow for an exception for a grantee(s) to temporarily lease conveyed property if seeking extended rehabilitative or life threatening medical treatment off island.



The public is invited to participate with written and/or oral testimony.

For more information, please call the Office of Senator John Camacho Salas.

PH: 472-3585

FAX: 472-3583

e-mail:jsalas@sensalas.guam.net