



FILED
SUPREME COURT
OF GUAM

JUN 30 11 06 AM '97

HOWARD S. MANIBUSAN
CLERK, SUPREME COURT
BY: _____

**Supreme Court
Territory of Guam**

In The Matter Of The Promulgation Of The)
Rules Governing the Annual Budget of the)
Judicial Branch of the Territory of Guam)
Administrative Order No. 97-0003 A

**ORDER PROMULGATING THE RULES GOVERNING THE ANNUAL
BUDGET OF THE JUDICIAL BRANCH OF THE TERRITORY OF GUAM**

The Supreme Court of Guam, as the highest court of the Territory, possesses supervisory authority over all local courts of Guam and is the proper body to review, approve and submit the unified annual budget for the Judiciary to the Guam Legislature. *See* 7 GCA §5101, COMMENT; *See Also*, 7 GCA §2101, COMMENT; 7 GCA § 3107(b).

Before the creation of the Supreme Court, the budget for the Superior Court was approved by the Judicial Council. However as set forth at 7 GCA §5102 and consistent with the doctrine of the separation of powers, the Judicial Council is currently a non-governing advisory body. Any prior grants of power given the Judicial Council as contained in the Code of Civil Procedure and elsewhere were repealed expressly by 7 GCA §1115 or implicitly by operation of law when the Supreme Court of Guam certified its readiness to hear appeals on July 16, 1996.

Pursuant to the inherent powers of the Supreme Court, 7 GCA §§ 3102, 3107 and 7117 and the supervisory power of the Supreme Court over all lower courts, the annual budget of the Judiciary shall be reviewed and approved by the Supreme Court in accordance with the rules set forth below.

- 1) No later than a date designated annually by the Chief Justice, the Administrative Director of the Superior Court shall submit a draft budget proposal on behalf of that court to the Executive Officer of the Supreme Court.
- 2) Prior to the submission of the draft Superior Court budget to the Executive Officer, the Administrative Director shall provide a copy to each Superior Court judge and shall present such budget proposal to the Judges for review, comments and recommendations.

- 1 3) The Administrative Director of the Superior Court shall provide, in response to
2 written questions from the Executive Director of the Supreme Court and within the
3 time indicated by such request, all documents and other information requested which
4 may have bearing on any item or amount contained in the draft budget proposal
5 submitted.
- 6 4) The Executive Officer of the Supreme Court may return the draft budget proposal to
7 the Administrative Director of the Superior Court with instructions to reconsider or
8 provide additional justification for those items or amounts to be provided. The
9 Administrative Director shall then resubmit the draft budget to the Supreme Court
10 within the time allotted.
- 11 5) The Executive Officer of the Supreme Court shall prepare a draft proposed budget
12 for the Supreme Court to be reviewed by the Supreme Court en banc, no later than
13 a date indicated annually by the Chief Justice.
- 14 6) The Supreme Court en banc shall review the draft budget proposal for the Superior
15 Court. The Administrative Director shall make a presentation of the budget proposal
16 to the Supreme Court at a date and time set by the Chief Justice. The Justices may
17 modify the proposed Superior and Supreme Court budgets as they deem necessary
18 to the efficient operation of the Judicial Branch. The Supreme Court may conduct
19 public hearings, take testimony, summon witnesses, and subpoena records and
20 documents as is necessary to properly consider and approve the budgets of the
21 respective courts.
- 22 7) The Executive Officer of the Supreme Court may utilize the resources and various
23 personnel of the Judiciary in preparing and presenting the unified Judicial Budget.
- 24 8) The unified Judicial Budget, as approved by the Supreme Court shall be the only
25 budget relating to the Judicial Branch which may be submitted to the Legislature.
26 No courts of Guam, or divisions therein shall submit a separate budget request to the
27 Legislature.
- 9) The unified Judicial Budget, as approved by the Supreme Court en banc, will be
forwarded to the Legislature by the Chief Justice as the official budget request for the
Judicial Branch. If the Legislature determines that hearings or meetings are
necessary to review the budget, the Executive Officer shall appear before the
Legislature to present the unified budget and to respond to any inquiries by the
Legislature.
- 10) The Chief Justice may issue such administrative orders as are necessary to insure that
the budget review process is completed in a timely manner.
- 11) Pursuant to 7 GCA § 3107(b), the Supreme Court may employ any remedies
necessary to effectuate its supervisory authority over the courts below, including, but
not limited to the imposition of contempt and lesser sanctions upon any judicial

officer or employee who shall wilfully disobey or disregard the rules contained herein.

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12) Rules 1 through 12 set forth herein shall take effect on October 1, 1997.

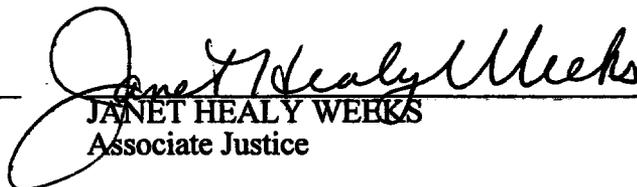
13) The Administrative Director shall present a copy of the 1998 Superior Court Budget to the Supreme Court and shall provide, in response to written questions from the Executive Director of the Supreme Court and within the time indicated by such request, all documents and other information requested which may have bearing on any item or amount contained in the fiscal year 1998 draft budget proposal.

14) Rule 13 shall take effect immediately.

DATED: Agana, Guam, June 24, 1997



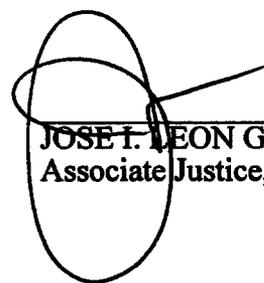
PETER C. SIGUENZA
Chief Justice of Guam



JANET HEALY WERKS
Associate Justice



JOAQUIN C. ARRIOLA, SR.
Associate Justice, P.T.



JOSE I. LEON GUERRERO
Associate Justice, P.T.



EDUARDO A. CALVO
Associate Justice, P.T.