

**JUDICIAL COUNCIL RESOLUTION NO. JC04-008**

**RELATIVE TO SUPPORTING AN AMENDMENT  
TO THE ORGANIC ACT OF GUAM TO CLARIFY  
THE LOCAL JUDICIAL STRUCTURE OF GUAM.**

**WHEREAS,** the Organic Act of Guam as it was originally drafted, did not authorize the establishment of a local appellate court;

**WHEREAS,** in 1977 the Guam Legislature's first attempt to create a Supreme Court of Guam was struck down by the United States Supreme Court because the Organic Act did not so authorize the Legislature;

**WHEREAS,** in 1984, the United States Congress amended the Organic Act of Guam to authorize the Guam Legislature to create a local appellate court;

**WHEREAS,** bi-partisan legislators, executive and judicial branch officials, legal practitioners and the community-at-large worked together to create Public Law 21-147, the Frank G. Lujan Memorial Court Reorganization Act of 1992, which re-organized the Judiciary, created the Supreme Court of Guam as the island's highest appellate court and established it as the administrative head of the Judicial Branch;

**WHEREAS,** in 1996 the Supreme Court of Guam was empaneled in accordance with the provisions of the Frank G. Lujan Memorial Act;

**WHEREAS,** the Supreme Court of Guam has since been subjected to frequent legislative changes, stripping it of administrative authority over the Judicial Branch thereby eroding the independence of the Guam Judiciary and compromising the traditional tri-partite democratic system of government;

**WHEREAS,** in reaffirming the original intent of local and federal lawmakers who sought to create a Supreme Court of Guam with the Supreme Court as the head of the island Judiciary, the Twenty-Seventh Guam Legislature passed Public Law 27-31 "An Act to Reorganize the Judiciary as the Third Co-Equal and Independent Branch of the Government of Guam . . ." in October 2003;

**WHEREAS,** since November of 2003, the Supreme Court of Guam has taken its rightful role as the head of the Judicial Branch;

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**WHEREAS**, since November of 2003, the newly composed Judicial Council has aggressively striven to unify the judiciary and improve the administration of justice in Guam;

**WHEREAS**, Public Law 27-31 and similar local legislation can be amended or repealed at any time, thus further threatening the independence of the Guam Judiciary;

**WHEREAS**, local legislators, officials and residents alike believe that, absent a Guam constitution, an amendment to the Organic Act is needed to firmly establish the Judicial Branch of Guam, with the Supreme Court of Guam at its head, as a separate, co-equal and independent branch within the Government of Guam;

**WHEREAS**, on April 23, 2004 the Twenty-Seventh Guam Legislature, with near unanimous bipartisan support, passed a resolution supporting and requesting the United States Congress to amend the Organic Act of Guam to establish the Supreme Court as the highest court of Guam and establish the judiciary as a separate and co-equal branch of government;

**WHEREAS**, H.R. 2400, amending the Organic Act of Guam to establish the Supreme Court as the highest court in Guam to protect the independence of the Guam judiciary and to maintain the Judicial Branch as a separate and co-equal branch of government, was introduced by Congresswoman Madeleine Z. Bordallo.

**NOW, THEREFORE BE IT RESOLVED**, that the Judicial Council of Guam hereby respectfully requests the United States Congress to expeditiously and favorably pass H.R. 2400 to amend the Organic Act recognizing the Supreme Court of Guam as the highest court of Guam and to firmly establish the Judicial Branch as a separate, co-equal branch within the government of Guam; and

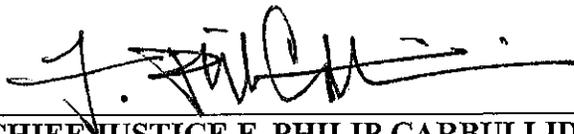
**BE IT FURTHER RESOLVED**, that the Judicial Council of Guam hereby respectfully requests the support of the Governor and the continued support of the Legislature for the passage of H.R. 2400; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution be provided to the Honorable Madeleine Z. Bordallo, member of the U.S. House of Representatives, the Honorable Richard Pombo, Chairman, House Resources Committee, the Honorable Pete Domenici, Chairman, Senate Energy and Natural Resources Committee, Mr. Joaquin C. Arriola, Jr., President of the Guam Bar Association, the Honorable Felix P. Camacho, the Governor of Guam and the Honorable Vicente C. Pangelinan, Speaker of the Guam Legislature.

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**DULY ADOPTED** this 30<sup>th</sup> day of April, 2004 at a duly noticed meeting of the Judicial Council of  
Guam.

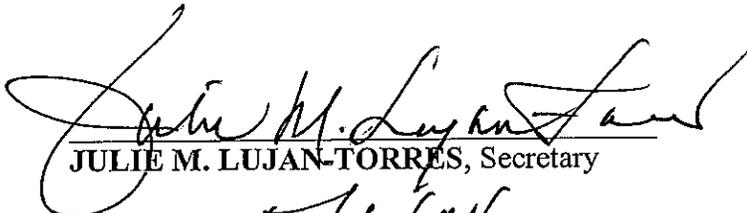


**CHIEF JUSTICE F. PHILIP CARBULLIDO, Chairman**

Date:

5/6/04

ATTEST:



**JULIE M. LUJAN-TORRES, Secretary**

Date:

5/6/04

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN  
2004 (SECOND) Regular Session

**Resolution No. 139 (LS)**

As amended on the Floor.

Introduced by:

v. c. pangelinan

F. R. Cunliffe

R. Klitzkie

T. R. Muña Barnes

F. B. Aguon, Jr.

J. M.S. Brown

C. Fernandez

Mark Forbes

L. F. Kasperbauer

L. A. Leon Guerrero

J. A. Lujan

J. M. Quinata

R. J. Respicio

Toni Sanford

Ray Tenorio

Relative to *amending* the Organic Act of Guam for the purpose of clarifying the local judicial structure of Guam.

1 BE IT RESOLVED BY I MINA'BENTE SIETE NA LIHESLATURAN

2 GUÅHAN:

3 WHEREAS, in our island's quest to achieve greater self-governance, the  
4 United States Congress amended the Organic Act of Guam in 1984  
5 authorizing the Guam Legislature to reorganize the island Judiciary and  
6 establish an appellate court for island residents; and

7 WHEREAS, from 1984 to 1992, bi-partisan legislators, executive and  
8 judicial branch officials, legal practitioners and the community-at-large

1 contributed to preparing draft legislation which culminated in the passage of  
2 Public Law 21-147, the “Frank G. Lujan Memorial Act” that reorganized the  
3 island’s Judicial Branch, creating the Supreme Court of Guam as the island’s  
4 highest appellate court and establishing it as the administrative head of the  
5 island Judiciary; and

6       **WHEREAS**, since 1996 when the Supreme Court of Guam was first  
7 empanelled in accordance with the provisions of Federal and local law, the  
8 island’s high court and the Judiciary has been subjected to frequent legislative  
9 changes eroding the independence of the Guam Judiciary; and

10       **WHEREAS**, in reaffirming the original intent of local and Federal  
11 lawmakers who sought to create a Supreme Court of Guam with the Supreme  
12 Court as the head of the island Judiciary, the Twenty-Seventh Guam  
13 Legislature, *I Mina’ Bente Siete Na Liheslaturan Guåhan*, passed Public Law 27-  
14 31, “An Act to Reorganize the Judiciary as the Third Co-Equal and  
15 Independent Branch of the Government of Guam . . .” in October 2003; and

16       **WHEREAS**, Public Law 27-31 and similar local legislation can be  
17 amended or repealed at any time, thus further threatening the independence  
18 of the Guam Judiciary; and

19       **WHEREAS**, local legislators, officials, and residents alike believe that,  
20 absent a Guam Constitution, an amendment to the Organic Act is needed to  
21 firmly establish the Judicial Branch of Guam, with the Supreme Court of  
22 Guam at its head, as a separate, co-equal and independent branch within the  
23 government of Guam; and

24       **WHEREAS**, H.R. 521 was introduced in the 107<sup>th</sup> Congress, heard by the  
25 House Committee on Resources and favorably reported and recommended to

1 the House of Representatives by unanimous consent; and

2       **WHEREAS**, the 107<sup>th</sup> Congress soon thereafter expired with no further  
3 action on the measure; and

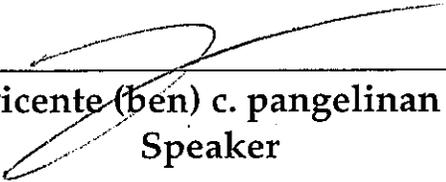
4       **WHEREAS**, H.R. 2400, the successor bill to H.R. 521 was introduced by  
5 Guam's Congresswoman Madeleine Z. Bordallo; and

6       **WHEREAS**, H.R. 2400 seeks to ensure through an amendment to the  
7 Organic Act, the independence of the Guam judiciary and to maintain the  
8 judicial branch as a separate and co-equal branch of government; now,  
9 therefore, be it

10       **RESOLVED**, that *I Mina'Bente Siete Na Liheslaturan Guåhan* does hereby,  
11 on behalf of the people of Guam, respectfully request the United States  
12 Congress to expeditiously and favorably pass H.R. 2400 to amend the Organic  
13 Act recognizing the Supreme Court of Guam as the highest court of Guam  
14 and to firmly establish the Judicial Branch as a separate, co-equal branch  
15 within the government of Guam; and be it further

16       **RESOLVED**, that the Speaker certify, and the Legislative Secretary  
17 attest to, the adoption hereof and that copies of the same be thereafter  
18 transmitted to the Honorable Madeleine Z. Bordallo, Member of Congress, U.  
19 S. House of Representatives; to the Honorable Richard Pombo, Chairman,  
20 House Resources Committee; to the Honorable Pete Domenici, Chairman,  
21 Senate Energy and Natural Resources Committee; to Attorney Joaquin C.  
22 Arriola, Jr., President of the Guam Bar Association; to the Honorable F. Philip  
23 Carbullido, Chief Justice, Supreme Court of Guam; and to the Honorable Felix  
24 P. Camacho, *I Maga'lahaen Guåhan*.

DULY AND REGULARLY ADOPTED BY I MINA'BENTE SIETE NA  
LIHESLATURAN GUÅHAN ON THE 23<sup>RD</sup> DAY OF APRIL, 2004.



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vicente (ben) c. pangelinan  
Speaker



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TINA ROSE MUÑA BARNES  
Senator and Legislative Secretary