

In the Matter of the Ownership Claim to Parcel 003 I 16 (Formerly Block 6, SAN ANTONIO VILLAGE) by the BISHOP OF GUAM, A CORPORATION SOLE, before the MARIANA ISLANDS DISTRICT LAND COMMISSION

Civil Action No. 17-74

Trial Division of the High Court

Mariana Islands District

July 25, 1974

Land registration proceeding. The Trial Division of the High Court, Burnett, Chief Justice, held that government could not contest title in noncitizen where it had been granted by High Commissioner who had both administrative and legislative powers and was consequently the source of any restriction on alienation of land to noncitizens existing when he granted the title.

Estoppel—Against Government

Where both the administrative and legislative powers rested in the High Commissioner at time he conveyed land to noncitizen corporate body, any restriction upon alienation of land to noncitizens was imposed by the same authority as that which conveyed the land and the government was estopped from later contesting the title.

Counsel for High Commissioner

& Land Commission:

CHARLES WHEELER

Counsel for Bishop of Guam:

ROGER ST. PIERRE

BURNETT, Chief Justice

By grant deed dated April 28, 1964, the then High Commissioner conveyed certain parcels of land to the Bishop of Guam, a Corporation Sole, to be used for religious purposes. In the course of the land registration program, 67 TTC 101-120, the question of title to one of the parcels, in San Antonio Village, so conveyed came before the Land Registration Team, which found the land to be vested in the Bishop of Guam. The Team's findings were thereafter referred to the Land Commission.

By reason of its finding that the Bishop of Guam, a Corporation Sole, is a noncitizen corporate body, and its un-

certainty as to the effect of the Deed of April 28, 1964, the Commission referred the claim to the Court. The matter came on for hearing this date, with appearances by, or on behalf of, the High Commissioner, the Land Commission and the Bishop of Guam.

The position taken by the government is clear and, in my view, entirely correct. As of the date of execution of the deed, both administrative and legislative powers rested in the High Commissioner; the Congress of Micronesia did not come into being as a viable legislative body until some four years later. Consequently, any restriction upon alienation of land to noncitizens was imposed by the same authority as that conveying title to claimant. As a result, the government's position is that it, and the High Commissioner, are estopped from contesting the Bishop's title. I agree. As noted further by the Attorney General, the court has consistently held that right of escheat rests solely in the government, which, in this case, chooses not to exercise any such claim of right.

I conclude, therefore, that the parcel of land here in question, having been conveyed to the Bishop of Guam, as a Corporation Sole, there having been no contrary claims presented through the land registration process, is held by the Bishop pursuant to that deed, and he is entitled to issuance of a Certificate of Title in evidence thereof.

It is, therefore, ordered, that the Land Commission issue to the Bishop of Guam, a Corporation Sole, Certificate of Title to that parcel of land in former Block 6, San Antonio Village, now identified as Parcel 603 I 16, the same having been conveyed to him by Grant Deed of the High Commissioner, Trust Territory of the Pacific Islands, on April 28, 1964.