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5 **IN THE SUPERIOR COURT FOR THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

6 **THE ESTATE OF**) **CIVIL ACTION NO. 18-0084**
7)
8 **JESUS MASGA DELA CRUZ,**) **ORDER DENYING ESTATE’S**
9 **Deceased.**) **OBJECTION TO CLAIMS AS ACTION**
10) **ON THE JUDGMENT WERE**
11) **BROUGHT WITHIN THE 20-YEAR**
12) **DEADLINE PURSUANT TO 7 CMC §§**
13) **2501, 2502(a)(1)**
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22 **I. INTRODUCTION**

23 **THIS MATTER** came before the Court for a hearing on December 20, 2018 at 9:00
24 a.m. at the United States District Court on Petitioner Administratrix’s Objection to Claims to
25 Joeten Motor Company, Inc., and J.C. Tenorio Enterprise, Inc., Against the Estate (“Objection
26 to Claims”) filed on June 8, 2018. Joe Hill, Esq. appeared on behalf of the Estate. Michael
White, Esq. appeared for claimants Joeten Motor Company, Inc and J.C. Tenorio Enterprises,
Inc.

27 **II. STATEMENT OF FACTS**

28 On July 8, 1994, the Superior Court entered a \$2,748.22 judgment against Jesus
29 Masga Dela Cruz (“Decedent”) and in favor of Joeten Motor Company, Inc (“Joeten”) due
30 to a debt Decedent owed to Joeten for the purchase of a vehicle (“Small Claim case no. 93-
2054”). Decedent did not appear at the hearing. Decedent made several payments between
1995 and 2015 towards this judgment.

By order of the Court, Judge Joseph N. Camacho

1 On July 15, 1994, the Superior Court entered a \$757.22 judgment against Decedent
2 in favor of J.C. Tenorio Enterprises, Inc (“J.C.”) due to three bad checks (“Small Claim case
3 no. 93-2153”). Decedent did not appear at the hearing. Decedent made several payments
4 between 1997 and 2015 towards this judgment.

5 Decedent died on April 16, 2015. Three years later, on March 5, 2018 a petition for
6 letters of administration was filed to open a probate action for Decedent’s estate. On March
7 27, 2018, Michael White filed an Entry of Appearance, Proof of Claims, and Demand for
8 Notice (“Notice of Claims”) on behalf of Joeten and J.C. (“Claimants”) seeking to recover
9 the unpaid claim together with the accrued interest. Attached to the Notices of Claims were
10 ledgers indicating the payment amounts, the interest accrued, and the unrecovered interest
11 balances.
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13 On June 8, 2018, the Administratrix of Decedent’s estate (“Administratrix”) filed her
14 Objection to Claims in response to the Claimants’ Notice of Claims alleging that Small
15 Claim case no. 93-2054 and Small Claim case no. 93-2153 (“the Small Claims Cases”) are
16 not supported by a final judgment, that the Claims are barred by the statute of limitations,
17 and that the claims for interest and costs should be denied as moot.
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19 III. DISCUSSION

20 A. The Claims Are Supported by Final Judgments as Indicated in the Docket Cards

21 Rule 83(h) of the Northern Mariana Islands Rules of Civil Procedure states that in
22 small claims cases, “[i]f judgment is entered for the plaintiff and the amount due has been
23 determined, judgment shall be entered on the docket card.” NMI R. CIV. P. 83(h).

24 Rule 201(b) of the Northern Mariana Islands Rules of Evidence states that “[t]he court
25 may judicially notice a fact that is not subject to reasonable dispute because it: (1) is generally
26 known within the Commonwealth or (2) can be accurately and readily determined from
sources whose accuracy cannot reasonably be questioned.” NMI R. EVID. 201(b).

1 Here, the Administratrix argued that the “summons” provided by the Claimants does
2 not constitute a court “judgment,” and, therefore, the “summons” cannot support the
3 Claimant’s asserted claims. However, under Rule 201(b), the Court takes judicial notice of
4 the Small Claims Cases’ files and finds that the judgments for both cases were entered onto
5 docket cards in 1994 in compliance with Rule 83(h).

6 Therefore, because the Small Claims Cases’ files contain a docket card that contains a
7 final judgment, the collection of the debt owed is proper.

8 **B. The Notice of Claims Are Not Barred As Judgment Are In Compliance With**
9 **7 CMC §§ 2501, 2502**

10 The Administratrix’s argument that the Claimant’s Notice of Claims is time barred by
11 7 CMC §§ 2501, 2502 is also unpersuasive.

12 7 CMC § 2501 states that “[a] judgment of any court shall be presumed to be paid and
13 satisfied at the expiration of 20 years after it is rendered.”¹ 7 CMC § 2502(a)(1) states that
14 “[a]ctions upon a judgment” “shall be commenced only within 20 years after the cause of
15 action accrues.”²

16
17 Here, the Administratrix argued that because the Claimants filed the Notice of Claims
18 about twenty-four (24) years after the Small Claims Cases were decided, the Notice of Claims
19 is time barred by 7 CMC § 2502(a)(1), or, alternatively, by 7 CMC § 2501 – the Administratrix
20 did not differentiate between the two statutes. However, the Administratrix misapprehends
21 the statutes.

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¹ 7 CMC § 2501 (“A judgment of any court shall be presumed to be paid and satisfied at the expiration of 20
26 years after it is rendered.”).

² 7 CMC § 2502 (“(a) The following actions shall be commenced only within 20 years after the cause of action
accrues: (1) Actions upon a judgment. (2) Actions for the recovery of land or any interest therein. (b) If the cause
of action first accrued to an ancestor or predecessor of the person who presents the action, or to any other person
under whom he or she claims, the 20 years shall be computed from the time when the cause of action first
accrued.”).

1 7 CMC §§ 2501, 2502(a)(1), which have been in force in the CNMI since the trust
2 territory period, 6 TTC §§ 301, 302, have yet to be interpreted by Commonwealth Courts.
3 However, the Commonwealth Supreme Court has provided guidance for statutory
4 construction.

5 One canon of statutory construction is that a statute’s “language must be given its
6 plain meaning, where the meaning is clear and unambiguous.” *Calvo v. N. Mariana Islands*
7 *Scholarship Advisory Bd.*, 2009 MP 2 ¶ 21. Additionally, “[o]ne statutory provision should
8 not be construed to make another provision [either] inconsistent or meaningless.” *Saipan*
9 *Achugao Resort Members' Ass'n v. Wan Jin Yoon*, 2011 MP 12 ¶ 23 (quoting *Estate of Faisao*
10 *v. Tenorio*, 4 NMI 260, 265 (1995)). Finally, CNMI Courts may also look to the manner in
11 which state courts interpret state statutes that are similar to CNMI statutes for guidance. *See*
12 *Elameto v. Commonwealth*, 2018 MP 15 ¶ 19.

14 The plain language of 7 CMC § 2502(a)(1) states that a claimant has twenty (20) years
15 to commence an action upon a judgment once the “cause of action accrues.”³ 7 CMC §
16 2502(a)(1). If a claimant takes action to collect a judgment any time before the twenty (20)
17 year deadline, then the claim is not time barred – even if the claim continues after twenty (20)
18 years. However, if the Claimant waits for more than twenty (20) years after the cause of action
19 accrues to act upon the judgment, then the claimant will be time barred from acting upon that
20 judgment and be deemed to have abandoned his or her claim. Additionally, filing a claim with
21 the Superior Court in a probate case does not amount to a commencement of an action because
22 “a civil action is commenced by filing a complaint with the court.” NMI R. CIV. P. 3; *see also*
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³ The phrase “cause of action accrues,” as used in 7 CMC § 2502(a)(1), refers to the final judgment. *See Epperson v. Robertson*, 91 Tenn. 407 (1892).

1 *Berger v. O'Hearn*, 41 Cal. 2d 729, 734 (1953) (finding that filing a claim against an estate
2 does not commence an action).⁴

3 7 CMC § 2501 is not a reiteration of 7 CMC § 2502(a)(1). For 7 CMC § 2501 and 7
4 CMC § 2502(a)(1) to be the same would be impermissible under *Saipan Achugao Resort*
5 *Members' Ass'n v. Wan Jin Yoon*, 2011 MP 12 ¶ 23, because then 7 CMC § 2501 would be
6 redundant and, therefore, meaningless. Rather, the plain language of 7 CMC § 2501 states that
7 a judgment shall be “presumed” satisfied after twenty (20) years. 7 CMC § 2501’s use of the
8 word “presumed,” as opposed to a more definitive word such as “deemed,” demonstrates that
9 7 CMC § 2501 does not completely bar a claimant from pursuing payment for a judgment
10 rendered more than twenty (20) years prior, provided that a claimant commence collection
11 proceedings within twenty (20) year as required by 7 CMC § 2502(a)(1). Furthermore, the
12 Courts of Massachusetts, which has a statute similar to 7 CMC § 2501,⁵ state that the
13 presumption can be overcome “by evidence showing that the judgment has not in fact been
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18 ⁴ The law of California, at the time of the *Berger v. O'Hearn*, 41 Cal. 2d 729, 734 (1953), was similar to the
19 current Rule 3 of the Northern Mariana Islands Rules of Civil Procedure. *Compare* Cal. Civ. Proc. Code § 350
20 (“An action is commenced, within the meaning of this title, when the complaint is filed.”), *with* NMI R. Civ. P.
21 3 (“A civil action is commenced by filing a complaint with the court.”). The Court notes that Administratrix
22 cited a Tennessee case which came to the opposite conclusion of the Court in *Berger*. *See Wilson v. Hafley*, 189
23 Tenn. 598, 608 (1949) (finding that the filing of the claim was the equivalent of commencing a cause of action).
24 However, the Court finds the decision in *Berger* to be more persuasive here because: (1) Administratrix’s
25 interpretation incentivizes debtors to avoid paying off their debts until the 20-year deadline has passed, thereby
26 depriving the creditors of what they are owed; and (2) the use of the word “presumed” in 7 CMC § 2501 envisions
creditors pursuing claims more than twenty (20) years after the entry of judgment – therefore, it would be illogical
to find that a creditor can no longer pursue a debt it began collecting less than twenty (20) years after the judgment
was entered merely because the debtor died more than twenty (20) years after the entry of judgment. It is worth
noting how other jurisdictions have treated partial payments when the Claimants commenced a cause of action,
the courts of Arkansas, which has a statute similar to 7 CMC § 2502(a)(2), have held that Decedent’s partial
payments of the judgments tolled the statute of limitations. *See Malone v. Malone*, 338 Ark. 20, 24-25 (1999)
 (“This statute of limitations for actions on judgments may be tolled when payment is made on the judgment,
thereby commencing a new ten-year limitations period as of the date of the payment.”); *compare*, Ark. Code
Ann. § 16-56-114 (“Actions on all judgments and decrees shall be commenced within ten (10) years after cause
of action shall accrue, and not afterward.”), *with* 7 CMC § 2502(a)(1).

⁵ *Compare* Mass. Ann. Laws ch. 260, § 20 (“A judgment or decree of a court of record of the United States or of
any state thereof shall be presumed to be paid and satisfied at the expiration of twenty years after it was
rendered.”), *with* 7 CMC § 2501.

1 paid, but remains justly due.” *Walker v. Robinson*, 136 Mass. 280, 282 (1884). This evidence
2 may include the showing of some payment. *See id.*

3 When read together, 7 CMC §§ 2501, 2502(a)(1) mandate that a claimant must bring
4 an action against a judgment within twenty (20) years, otherwise the claim is barred. However,
5 an action against a judgment brought within twenty (20) years may continue after the twenty
6 (20) year deadline if the claimant provides evidence that the judgment has not been paid in
7 full.

8 Here, the Decedent made payments toward the judgments starting in 1995 – the year
9 after the judgments were entered. Decedent continued these payments intermittently until
10 2015, the year he died. Therefore, the Claimants commenced their actions upon the judgment
11 before the twenty (20) year deadline. Additionally, the ledgers provided by the Claimants are
12 sufficient evidence to show that the claims have yet to be paid in full. Therefore, the
13 Claimants’ Notice of Claims is not time barred.
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15 **C. Claim for Interest and Costs**

16 Because the claims are not barred or extinguished, the claims for interest and costs are
17 not moot, and, therefore, are not denied on the grounds raised by Administratrix.
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19 **IV. CONCLUSION**

20 Therefore, because the Claimant’s Notice of Claims is not time barred by 7 CMC §§
21 2501, 2502(a)(1), the Administratrix’s Objection to Claims is **DENIED**.

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23 **IT IS SO ORDERED** this 9th day of May, 2019.

24
25 /s/

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JOSEPH N. CAMACHO, Associate Judge