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Joseph Norita Camacho

By order of the Court, Associate Judge Joseph N. Camacho

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

ESTATE OF:) CIVIL ACTION NO. 16-0119
BENJAMIN AYUYU SABLAN,)
also known as "BENJAMIN KAPPON") ORDER FINDING THAT EUNICE JEAN
) YURONG BASA, A CHILD BORN OUT
) OF WEDLOCK, HAS PROVEN BY
) CLEAR AND CONVINCING EVIDENCE
Deceased.) THAT SHE IS THE BIOLOGICAL
) DAUGHTER OF BENJAMIN AYUYU
) SABLAN BY MEANS OF A DNA TEST
) AND A SHOWING OF OPEN
) ACCEPTANCE AND SUPPORT OF THE
) FATHER, AND IS THEREFORE AN
) HEIR TO HIS ESTATE PURSUANT TO 8
) CMC § 2918(b)(2)
)

I. INTRODUCTION

THIS MATTER came before the Court on November 14, 2019, at 2:30 p.m. for an Evidentiary Hearing on Claimant Eunice Jean Yurong Basa's ("Eunice") claim that she is the biological daughter of Benjamin Ayuyu Sablan ("Benjamin").1 Attorney Charity Hodson appeared for the Administratrix Kimberly Songsong Sablan, who appeared via Skype. Attorney Clyde Lemons, Jr. appeared for Claimant Eunice Jean Yurong Basa. Eunice also appeared via Skype.

1 Evangeline Yurong Basa testified that Benjamin Ayuyu Sablan was also known as Benjamin Kappon.

1 The Court heard testimonies from Eunice and her mother, Evangeline Yurong Basa
2 (“Evangeline”).² Eunice submitted nine exhibits to the Court and each exhibit was admitted into
3 evidence.

- 4 a. Exhibit A: A photograph depicting Eunice, Benjamin, and Evangeline in the
5 Philippines.
- 6 b. Exhibit B: A photograph depicting Evangeline, Benjamin, and Eunice in the
7 Philippines.
- 8 c. Exhibit C: A photograph depicting Eunice, Benjamin, and Evangeline in the
9 Philippines.
- 10 d. Exhibit D: A photograph depicting Eunice during her teenage years and Benjamin
11 in the Philippines.
- 12 e. Exhibit E: A photograph depicting Eunice at four years old and Benjamin in the
13 Philippines.
- 14 f. Exhibit F: A photograph depicting Eunice and Benjamin in the Philippines.
- 15 g. Exhibit G: A photograph depicting Eunice and Benjamin’s mother at a hospital in
16 the Philippines.
- 17 h. Exhibit H1.1–H.2: A Facebook Messenger page of a conversation between
18 Belinda S. Tenorio (Benjamin’s sister) and Eunice.
- 19 i. Exhibit I.1- I.13: The LabCorp analysis report of deoxyribonucleic acid (“DNA”)
20 from Eunice and Belinda S. Tenorio.

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24 ² Eunice and her mother Evangeline testified via Skype from the Philippines pursuant to a joint stipulation submitted by Administratrix Kimberly Songsong Sablan and Eunice and approved by the Court. Administratrix Kimberly Songsong Sablan was present during the hearing via Skype from the United States mainland but did not testify.

1 **II. BACKGROUND**

2 Evangeline was born in and currently resides in the Philippines. In January 1992, Evangeline
3 came to Saipan, Commonwealth of the Northern Mariana Islands (“CNMI”), to work as a waitress at
4 Club Managaha, located in Garapan, Saipan. At Club Managaha, Evangeline met, and subsequently
5 entered into a sexual relationship with, Benjamin, who was already married to Josephine Songsong
6 (“Josephine”).³

7 Evangeline’s relationship with Benjamin resulted in a pregnancy. Upon Benjamin’s insistence
8 and urging, Evangeline then left the CNMI and returned to the Philippines where, on May 25, 1993,
9 Evangeline gave birth to Eunice. Evangeline testified that she only had sexual intercourse with
10 Benjamin during the time Eunice was conceived.

11 Benjamin visited Evangeline and Eunice three or four times in the Philippines while he was
12 on business trips. The first of these visits occurred when Eunice was approximately four years old.
13 Benjamin next visited Eunice when she was a teenager, and again when Eunice was a young woman.
14 During these visits, Eunice always addressed Benjamin as “dad” or “daddy,” and Benjamin would
15 give Eunice money, usually several hundred United States dollars.

16 Eunice visited Benjamin’s sick mother (Eunice’s biological paternal grandmother) where she
17 was receiving medical treatment in a hospital in Manila, Philippines.

18 Benjamin’s sister, Belinda Sablan Tenorio (“Belinda”), wrote to Eunice on Facebook, “This
19 is Belinda Sablan Tenorio. I’m trying to find my brother Benjamin Sablan’s daughter. Are you the
20 Eunice I met in 2014 at Asian Hospital, and is your mother Eva?” Belinda wrote to Eunice because
21 she wanted Eunice to know, “what happened to your dad,” in that “he’s resting n [sic] no longer
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23 _____
24 ³ Josephine Songsong is the maiden name of Josephine Songsong Sablan. Benjamin and Josephine remained married until their deaths. Benjamin was born on January 2, 1959 and died on May 16, 2016 at age 57. Josephine was born on March 30, 1956 and died on August 19, 2013 at age 57. Benjamin and Josephine had only one child, Kimberly Songsong Sablan.

1 suffering.” Belinda later stated in the conversation that Belinda would have “uncle George” call
2 Eunice about her father.

3 A DNA analysis report generated by LabCorp, a laboratory testing company located in
4 Burlington, North Carolina, analyzed DNA specimens collected from Eunice by St. Luke’s Medical
5 Center in the Philippines and DNA specimens collected from Belinda by the Commonwealth Health
6 Corporation’s Commonwealth Health Center Lab in Saipan, and determined that there is a 98.71%
7 probability that Belinda is the paternal aunt of Eunice. LabCorp Director Eric M. O’Neill, Ph.D,
8 further concluded that “[t]hese measures support the assertion that a brother of the alleged paternal
9 aunt, Belinda S. Tenorio, could be the biological father of the child, Eunice J.Y. Basa.”

10 III. LEGAL AUTHORITY

11 The Court has wide discretion in probate proceedings to entertain any relevant matters before
12 it, and specifically has the authority to determine the heirs and successors of decedents. 8 CMC §
13 2202; *In re Estate of Rofag*, 2 NMI 18, 24 (1991) (“The statute grants the trial court the broadest
14 possible authority to entertain any relevant matters that may come before it in a probate matter.”); *In*
15 *re Estate of Tudela*, 4 NMI 1, 4 (1993) (“Such authority of the court encompasses a wide variety of
16 issues [...] including paternity issues under intestate succession.”).

17 For purposes of intestate succession, a parent-child relationship for a person born out of
18 wedlock must be shown by clear and convincing proof. 8 CMC § 2918(b)(2) (stating that a person
19 born out of wedlock is the child of the father if “[t]he paternity is established [...] by clear and
20 convincing proof, except that the paternity established under [...] this section is ineffective to qualify
21 the father or his kindred to inherit from or through the child unless the father has openly treated the
22 child as his and has not refused to support the child”); *see also In re Estate of Deleon Guerrero*, 3
23 NMI 253, 258 (1992).

1 The Supreme Court of the Commonwealth of the Northern Mariana Islands articulates the
2 standard of clear and convincing proof as follows:

3 Clear and convincing [proof] may be defined as an intermediate standard of proof
4 greater than a preponderance of the evidence, but less than proof beyond a
5 reasonable doubt required in criminal cases. It is that degree of proof which will
6 produce in the mind of the trier of fact a firm belief or conviction as to the
7 allegations sought to be established, and requires the existence of a fact be highly
8 probable.

9 *Commonwealth of The N. Mar. I. v. Tinian Casino Gaming Control Comm'n*, 3 NMI. 134, 149 (1992)
10 (quoting *Masaki v. General Motors Corp.*, 780 P.2d 566, 574 (Hawaii 1989)).

11 IV. DISCUSSION

12 In the present case, the unrebutted evidence provided clear and convincing proof that Eunice
13 is Benjamin’s biological daughter. The Court heard testimony that Evangeline had sexual relations
14 with only Benjamin during the period of Eunice’s conception and that a DNA test by LabCorp
15 determined that there is a 98.71% probability that Benjamin is Eunice’s father.

16 Additionally, after Eunice’s birth, Benjamin treated Eunice as his daughter and held her out
17 as such. The Court heard testimony that Benjamin gave Eunice money and told his family members
18 that Eunice is his daughter, including Benjamin’s mother (Eunice’s paternal grandmother) and
19 Benjamin’s sister, Belinda (Eunice’s aunt). These family members also recognized Eunice’s status as
20 Benjamin’s daughter and made sure to reach out to Eunice to let her know “what happened to [her]
21 dad,” in that “he’s resting n [*sic*] no longer suffering.”

22 Eunice, for her part, acknowledged Benjamin as her father and addressed Benjamin as “dad”
23 or “daddy.”

24 V. CONCLUSION

 For the foregoing reasons, the Court hereby finds that Eunice Jean Yurong Basa, a child born
 out of wedlock, has proven by clear and convincing evidence, by means of a DNA test and sworn

1 testimonies and admitted exhibits, that she was the biological daughter of Benjamin Ayuyu Sablan,
2 who accepted and supported her by treating and holding out Eunice Jean Yurong Basa as his
3 biological daughter.

4 **THEREFORE**, Eunice Jean Yurong Basa is an heir of the Estate of Benjamin Ayuyu Sablan
5 pursuant to 8 CMC § 2918(b)(2).

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7 **SO ORDERED** this 18th day of December, 2019.

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10 /s/
JOSEPH N. CAMACHO, Associate Judge

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