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

In re the Estate of)
VICENTE P. SEMAN)
Deceased.)

Civil Action No. 91-1077

DECISION AND ORDER

Lucia Seman Iriarte, one of decedent's daughters, entered an objection to the Petition for Decree of Final Distribution. The matter came before the Court for an evidentiary hearing on December 12, 1995. After considering the evidence adduced at the trial, the Court hereby renders its decision.

I. FACTS

Vicente P. Seman ("Decedent") died on April 7, 1932 in Saipan, Northern Mariana Islands. Decedent was survived by his wife Jacoba Igibor and seven children; Felipe M. Seman (now deceased), Joaquin M. Seman (now deceased), Juan M. Seman, Odorico M. Seman, Lucia S. Iriarte, Ramona S. Chong and Jose M. Seman. At the time of Vicente's death, the eldest son Felipe was twenty-two years old. Odorico, the administrator and the eldest living child, was between twelve and thirteen years old. Lucia and Jose were only ten and five years old, respectively.

Decedent's estate consists of parcels of property located in Kannat Tabla, Saipan, known as Lots 1656, 1658 and 1782 ("Kannat Tabla") containing an area of approximately 6.5 hectares.

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1 Odorico testified that his father owned Kannat Tabla and before he died he entrusted (“entrega”)
2 Kannat Tabla to his mother Jacoba. When Odorico was asked what he meant by the term “entrusted”,
3 he responded that it is his knowledge that the spouse, Jacoba, holds the land because her husband is
4 dead. And when further queried why Kannat Tabla went to Jacoba, he said because Jacoba is the
5 Decedent’s wife (“ke sa asaguana”). He also stated that when his father died, he did not say anything
6 to his children regarding Kannat Tabla; therefore, his mother made the land arrangements (“taya
7 ilekna si tata, anai matai si tatahu si nanahu umarekla, si nanahu tumestigu ni tano”). He further
8 testified that it is Chamorro custom to follow arrangements made by parents even after they are gone
9 (“maseha matai ti baihu diroga”).

10 Jacoba Igibor died on June 17, 1944. Her estate consisted of parcels of property situated in
11 Gualo Rai (“Gualo Rai”), Saipan. Prior to Jacoba’s death, Odorico asked her for Gualo Rai because
12 it was better for farming and closer to the village. His mother told him that Gualo Rai was meant for
13 Ramona and Lucia. According to Odorico, Jacoba wanted her daughters to have their own land in
14 order to insure they would have homes regardless of marital dispute. Odorico respected and honored
15 his mother’s wish because he, himself, did not want to see his sisters evicted should they have a
16 dispute with their husbands. All the brothers respected and honored their mother’s wish that the
17 Gualo Rai property should be given to their sisters. For this reason, the brothers quitclaimed their
18 interest in the Gualo Rai property to Lucia and Ramona.

19 According to Odorico’s testimony, Jacoba also owned property in Puntan Flores (“Puntan
20 Flores”). However, Puntan Flores was taken by the Japanese Administration through a forced sale
21 before the war. Presently the Puntan Flores property is considered CNMI Government land which
22 the government has leased out to private corporations.

23 According to Odorico, prior to Jacoba’s death she exclaimed to her children on a number of
24 occasions that the Kannat Tabla property is for Felipe, Odorico, Juan and Jose; and her Gualo Rai
25 property should be distributed to her daughters Ramona and Lucia and her Puntan Flores property to
26 Joaquin. Odorico’s testimony was corroborated by Jose and, including, Lucia the objector herself.
27 In response to a question whether her mother’s wish is his father’s wish too, Odorico stated that to

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1 his knowledge his mother would have acted the way his father would have acted (“gi tiningohu
2 siempre taiguenao”).

3 In a 1991 family meeting, the siblings decided that Joaquin should have an equal share in
4 Kannat Tabla with his four brothers because of the possibility that Puntan Flores is unrecoverable.
5 The siblings also agreed that in the event Joaquin’s heirs recover the Puntan Flores property,
6 Joaquin’s brothers would then either receive equal shares of the Puntan Flores property, or split up
7 Joaquin’s share in Kannat Tabla property and allow Joaquin’s heirs to receive the Puntan Flores
8 property. Finally, the siblings decided that any distribution of Kannat Tabla property would not
9 include Ramona and Lucia. Ramona and Lucia were present at the meeting, and neither objected to
10 the proposed distribution of Kannat Tabla.

11 Jacoba’s estate was probated and it was completed in 1993. Just minutes before the hearing
12 for the final decree for distribution of Jacoba’s estate, Odorico and Lucia met outside the courtroom.
13 Lucia told Odorico that she would not interfere in the Kannat Tabla property and Odorico responded
14 that she should not interfere because their mother gave Kannat Tabla to the boys. Jacoba’s estate
15 which consisted of the Gualo Rai property was distributed to Ramona and Lucia without any objection
16 from the brothers because it was their mother’s wish. In this regard, this Court takes judicial notice
17 of its own record; *In re Estate of Jacoba Igibor*, Civil Action No. 92-59 (Super. Ct. July 30,
18 1993)(showing Lucia received 11, 589 square meters of land from Jacoba’s Estate).

19 In this probate proceeding, Lucia entered an objection to the Petition for Decree of Final
20 Distribution of the Kannat Tabla property of the Decedent because she wanted to clear up certain
21 “discrepancies” (uma’arekla i difekto siha despues umapatte i lalahi”) relating to a mortgage,
22 encroachment problem and the return of a portion of Kannat Tabla. However, Lucia admitted that
23 the Kannat Tabla property should be distributed to the sons pursuant to their mother’s wish (anai matai
24 si tata ha desponi si nana na para i lalahi i Kannat Tabla), because her mother’s wish should be
25 honored, respected and followed after all the discrepancies are corrected (yanggen mana dinanchi todo
26 i difekto umatattiyi i areklamenton nanahu). Later, in support of her claim to one-seventh of the
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1 Kannat Tabla property, she testified that she never promised Odorico that she would not interfere with
2 Kannat Tabla.

4 II. ISSUE

5 1. Whether Jacoba assumed the role her deceased husband, and thereby took control of the
6 Decedent's property and subsequently made a partida under Chamorro custom.

8 III. ANALYSIS

9 Under Chamorro custom, lands of the parents ("iyon manaina") are eventually intended to go
10 to the parties' children by partida or descent. *In re Estate of Dela Cruz*, No. 90-023 (N.M.I Feb. 7,
11 1991). The NMI Probate Code provides in pertinent part that:

12 Nothing in [8 CMC § 2301 *et. seq.*] shall prevent the making of
13 a will or partida in accordance with the historical traditions and
14 customs of the Northern Mariana Islands, be it Chamorro or
15 Carolinian custom, nor shall anything in this chapter affect the
16 validity of a will or partida made in accordance with such customary
17 law.

18 8 CMC § 2302(a).

19 A "partida" is inherently flexible and can be shown through ways other than through the ideal
20 "partida." *Cabrera v. Heirs of De Castro*, 1 NMI 172, 177 (N.M.I. 1990) *citing Pangelinan v.*
21 *Tudela*, 1 CR 708, 711 (D.N.M.I. App. Div. 1983), *aff'd*, 733 F.3d 1341 (9th Cir. 1986). In
22 *Pangelinan v. Tudela*, the District Court held that the decedent intended to divide his property
23 between his two sons in spite of the fact that all formal requirements of a "partida" may not have been
24 met. The court was satisfied that the entire family knew of the decedent's wishes. *Id.* at 712.

25 At the time of a "partida" it may be agreed that if the father dies before the mother, she will
26 receive her own share of the land. A. Spoehr, SAIPAN: THE ETHNOLOGY OF A WAR-DEVASTATED
27 ISLAND, 139-40 (Chicago Natural History Museum, 1954)(hereinafter "Spoehr"). The mother may
28 then make a partida of her share, or its final division may be decided at the time of the first partida.
Id. at 140. "Even if the wife does not get a special share at the partida, it is the obligation of the

1 children--not always observed--to care for her on the death of the father. In case a partida is not made
2 before the death of the father, the wife will often take the land.” *Id.* In an example given by Spoehr,
3 a father who owned 30 hectares of land died in 1919 without making a partida. The wife took the
4 land and in 1937 she made a partida, dividing the land equally to her nine children. *Id.*

5 The facts of this case mirror the example given by Spoehr. Jacoba took control of all their
6 property after Vicente’s death and she executed her wishes, a partida, without any objection from any
7 of the children. At the time of Vicente’s death, his children were very young. Odorico who is the
8 eldest child now alive was between twelve and thirteen years old and Lucia was only ten years old
9 when their father died. Odorico testified that although his father never told them about the
10 distribution of Kannat Tabla, his mother’s wish is his father’s wish, too (“gi tiningohu siempre
11 taiguenao”). It is Lucia’s testimony that her mother controlled, governed, managed and directed the
12 distribution of Kannat Tabla to her [four] boys after her husband died (anai matai si tata ha desponi
13 si nana na para i lalahi i Kannat Tabla). The Court finds that Lucia’s later testimony claiming one-
14 seventh of the Kannat Tabla property, blatantly contradicts her sincere and credible statement to honor
15 and respect her mother’s wish.

16 The principle of parental respect [“respetu”] is traditionally so strong that the father’s word
17 is not to be disputed. *Cabrera v. Heirs of De Castro*, 1 CR at 710; *Blas v. Blas*, 3 TTR 99, 108
18 (H.C.Tr. Div. 1966). Parental respect is one of the major themes of traditional Chamorro culture.
19 *In re Estate of Cabrera*, 2 NMI 195, 205 (1991) *citing* Spoehr at 136. The Court finds that the
20 Decedent’s family, having not had the benefit of a paternal partida, have followed the Chamorro
21 custom of respecting and honoring their mother’s wish as the head of the family. The Court further
22 finds that Jacoba, in accordance with Chamorro custom, made a partida on behalf of herself and the
23 Decedent stating that the Kannat Tabla property shall be divided equally among Jose, Juan, Felipe and
24 Odorico, the Gualo Rai property shall be divided equally between Ramona and Lucia, and the Puntan
25 Flores property shall belong to Joaquin. The Court finds that Jacoba made a partida, without an
26 objection from anyone, and that all the family members respected and honored their mother’s
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1 designation that the Kannat Tabla property should be distributed to the Decedent's sons. *See*
2 *Pangelinan v. Tudela* at 712.

3 Thus, the Court finds that Lucia's sincere and credible concern for Kannat Tabla only touches
4 on the issue of management, not distribution. Accordingly, the "discrepancies" relating to a
5 mortgage, an encroachment problem and the return of a portion of Kannat Tabla which Lucia refers
6 to in her objection are now the concerns of her brothers.

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8 **IV. CONCLUSION**

9 Accordingly, the Court finds that the estate of Vicente T. Seman consists of Lots 1656, 1658
10 and 1782 containing an area of approximately 6.5 hectares in the Kannat Tabla area. The Decedent's
11 spouse took control of the Decedent's property because the children were very young and she made
12 a partida which all the children understood, respected and honored. Lucia's credible concerns
13 regarding a mortgage, return of a portion of Kannat Tabla and the encroachment problem are matters
14 pertaining to the management of the property rather than the manner of its distribution. Thus, Kannat
15 Tabla shall be divided equally among the five sons of Vicente T. Seman; Jose M. Seman, Felipe M.
16 Seman, Juan M. Seman, Odorico M. Seman and Joaquin M. Seman.

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18 So ORDERED this 4th day of April, 1996.

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22 MIGUEL S. DEMAPAN, Associate Judge