

IN THE
SUPREME COURT
OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

NORTHERN MARIANAS COLLEGE,
Plaintiff-Appellant,

v.

CIVIL SERVICE COMMISSION and JACK ANGELLO,
Defendants-Appellees.

SUPREME COURT NO. CV-06-0021-GA
SUPERIOR COURT NO. 03-0092

ORDER DENYING PETITION FOR REHEARING

Cite as: 2007 MP 30

Decided August 10, 2007¹

¹ On December 14, 2007, the Court selected this opinion for publication.

BEFORE: MIGUEL S. DEMAPAN, Chief Justice; ALEXANDRO C. CASTRO, Associate Justice; and JOHN A. MANGLONA, Associate Justice

DEMAPAN, C.J.:

¶ 1 Appellee Jack Angello (“Angello”) petitions the Court for rehearing of the March 24, 2007 Opinion, *Northern Marianas College v. Civil Service Commission II*, 2007 MP 8, pursuant to Com. R. App. P. 40. In reversing the trial court’s decision, we held that the Civil Service Commission (“CSC”) does not have jurisdiction over Northern Marianas College’s (“NMC”) administrative appeals. *N. Marianas Coll.*, 2007 MP 8 ¶ 1.

¶ 2 Under Com. R. App. P. 40, a petition for rehearing must state with particularity the points of law or fact which in the opinion of the petitioner the Court overlooked or misapprehended. *In re Estate of Deleon Guerrero*, 1 NMI 324, 326 (1990). Com. R. App. P. 40 does not ordinarily allow the petitioner to raise the same issues and repeat the same arguments already heard and decided on appeal, nor does it allow the raising of new issues or contentions not formerly raised on appeal, except under extraordinary circumstances. *Id.* Nor should a petition for rehearing be made routinely or as a matter of course. *Id.* at 327-28.

¶ 3 We stated that the sole issue on appeal was “whether NMC is exempt from the civil service system under the CNMI Constitution and supporting legislation.” *N. Marianas Coll.*, 2007 MP 8 ¶ 8. We thoroughly examined the pertinent constitutional provisions and statutes, including 3 CMC § 1316(n), in reaching our decision. We concluded “that the CNMI Constitution grants NMC’s board autonomous powers over its affairs which CSC cannot infringe.” *Id.* ¶ 9. As required under Com. R. App. P. 40, Angello fails to state with particularity the points of law or fact which the Court overlooked or misapprehended. *Guerrero*, 1 NMI at 326. Instead, Angello raises the same arguments already heard and decided on appeal. *Id.* In fact, he expands our ruling addressing NMC’s autonomy only from CSC, to NMC being completely autonomous and even stating that we created a fourth branch of government. Angello is mistaken in setting forth such an argument when we made clear that “NMC is an agency within the executive branch.” *N. Marianas Coll.*, 2007 MP 8 ¶ 6 n.1.

¶ 4 Contrary to Com. R. App. P. 40, Angello further raises new issues and contentions not raised on appeal. *Guerrero*, 1 NMI at 326. Angello asserts, inter alia, that we stripped the finance department’s constitutional authority over NMC, eliminated the Attorney General’s constitutional duty to act as NMC’s counsel, and made NMC not subject to the Commonwealth Retirement Fund Act. Because these arguments were not before us on appeal, we decline to address them. *See id.* (finding that Com. R. App. P. 40 does not allow the raising of new issues or contentions not formerly raised on appeal).

¶ 5 Finally, it appears that Angello filed the petition purely as a matter of routine because he was simply not satisfied with the outcome. *Id.* at 327-28. Ordinarily, we award attorney's fees if an attorney completely disregards Com. R. App. P. 40 in filing a petition for rehearing as Angello has in his petition. While we take into account Angello's pro se status, his status does not mean that he can file a petition that does not conform in any way to Com. R. App. P. 40. He has done nothing but waste the Court's and NMC's time in responding to his petition. Moreover, the entire judicial system is harmed when he uses disparaging language in an attempt to support his arguments. NMC requests that we award court costs incurred in answering Angello's petition. In light of Angello's petition, we award reasonable costs to NMC.

¶ 6 For the foregoing reasons, Angello's Petition for Rehearing is DENIED and NMC is awarded reasonable costs.

Concurring:
Castro, Manglona, JJ.