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**CNMI SUPREME COURT**  
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Case No.: 2017-SCC-0011-CIV  
Gretchen Smith

IN THE  
**Supreme Court**  
OF THE  
**Commonwealth of the Northern Mariana Islands**

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IN RE THE ESTATE OF NORBERTO EDUARDO PANGELINAN,  
*Deceased.*

Supreme Court No. 2017-SCC-0011-CIV

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**SLIP OPINION**

**Cite as: 2020 MP 19**

Decided August 21, 2020

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CHIEF JUSTICE ALEXANDRO C. CASTRO  
ASSOCIATE JUSTICE JOHN A. MANGLONA  
ASSOCIATE JUSTICE PERRY B. INOS

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Superior Court Civil Action No. 15-0169  
Associate Judge Joseph N. Camacho, Presiding

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INOS, J.:

¶ 1 Appellant John S. Pangelinan (“Pangelinan”) appeals the Superior Court’s finding that he is not an heir or claimant and does not have standing in the probate proceeding. For the following reasons, we AFFIRM the trial court’s finding that Pangelinan does not have standing. We do not reach Pangelinan’s other arguments.

### **I. FACTS AND PROCEDURAL HISTORY**

¶ 2 This case stems from the probate of Norberto Eduardo Pangelinan (“Decedent”), who died intestate in 2015 on Saipan and was survived by his wife Secundina, the administratrix of his estate (“Estate”), and his daughter Selina. The court determined that Secundina and Selina are Decedent’s only heirs.

¶ 3 The dispute concerns real property interests in the Estate’s inventory which Jose W. Pangelinan (“Jose”) first acquired through a government grant. At Jose’s death in 1952, they passed to his son Candido Pangelinan (“Candido”), who in turn deeded them to his son, the Decedent, in 1989. The trial court confirmed Decedent’s ownership of the properties in a 1990 Distribution Agreement among Jose’s heirs. Pangelinan’s father, Juan S.N. Pangelinan (“Juan”), a half-brother of Candido through Jose, disclaimed any interest in Decedent’s properties at that time. Suppl. App. 142–43. Jose had numerous other children.

¶ 4 Pangelinan submitted a claim in the probate proceedings and objected to the determination of heirship, asserting that Secundina and Selina are not persons of Northern Marianas descent (“NMD”) and cannot hold long term interests in real property. He further claimed that Decedent was non-NMD and therefore did not hold valid fee simple title to the real property interests in the Estate. Relying on 8 CMC § 2411<sup>1</sup> (“Section 2411”), Pangelinan asserted that Decedent only held a 55-year interest and that Pangelinan should receive the remainder.

¶ 5 The court denied Pangelinan’s claim and his subsequent motion for reconsideration, stating that Pangelinan is neither an heir nor a claimant, and did not have standing to continue in the proceedings. It found that Decedent was, and Selina is, NMD. Pangelinan appeals.

### **II. JURISDICTION**

¶ 6 We have jurisdiction over final judgments and orders of the Commonwealth Superior Court. NMI CONST. art IV, § 3.

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<sup>1</sup> 8 CMC § 2411 states:

Whenever a person not of Northern Marianas descent takes title to real property under this code, he or she shall take the maximum allowable legal interest in the real property and the remaining interest if any shall vest in the next closest heirs or devisees who can legally take title to the real property pursuant to N.M.I. Const. art. XII.

### III. STANDARD OF REVIEW

¶ 7 The threshold issue is whether the court correctly determined that Pangelinan lacked standing to participate in the probate proceedings. Standing is a question of law reviewed de novo. *Pac. Fin. Corp. v. Sablan*, 2011 MP 19 ¶ 23. Because we resolve this appeal on the basis of standing, we do not reach any additional issues.

### IV. DISCUSSION

¶ 8 Pangelinan argues that Decedent received only a 55-year interest from Candido pursuant to Section 2411. Under that statute, a probate transfer of an interest that violates Article XII is converted to “the maximum allowable legal interest” and the remainder vests in “the next closest heirs or devisees.” 8 CMC § 2411.<sup>2</sup> Pangelinan argues that Decedent’s fee simple interest violated Article XII because Decedent was non-NMD. He contends that under Section 2411, Decedent’s interest was statutorily converted to a maximum of 55 years, with the remainder vesting in the next closest heir. He claims that Candido’s “next closest heir[]” was Juan and that Pangelinan, as Juan’s heir, is now entitled to the remainder interest. Pangelinan disregards other relatives who might be entitled to a share because he is the only NMD descendent of Jose who objected and brought a claim. In effect, he asserts that the land is not an asset of the Estate because Decedent held only a 55-year interest with the remainder vesting in Candido’s “next closest heirs” at Decedent’s death.

¶ 9 Standing is “a concept utilized to determine if a party is sufficiently affected so as to [e]nsure that a justiciable controversy is presented to the court.” *Malite v. Tudela*, 2007 MP 3 ¶ 33 (quoting *Falcon v. McCue*, 2005 MP 7 ¶ 34). “To prove standing in the probate context, an appellant must demonstrate an interest, even a speculative one, that could be affected by the outcome of the case.” *In re Estate of Mangabao*, 2019 MP 13 ¶ 10 (citing *Malite*, 2007 MP 3 ¶ 35). “Heirs in law generally have a right to appeal adverse probate court decisions based on their status as aggrieved parties . . . .” *Malite*, 2007 MP 3 ¶ 34. Heirs (i.e., persons entitled by statute to an intestate share in the estate) whom the court had mistakenly found not to be heirs have standing to appeal that determination. See *In re Estate of Tudela*, 3 NMI 316, 318 (1992). But “a third party cannot assert a claim to property alleged to be rightfully theirs without a determination that he or she is an heir possessing an interest in the property.” *Mangabao*, 2019 MP 13 ¶ 12.

¶ 10 Pangelinan is not an heir of Decedent. “‘Heirs’ means those persons who are entitled under the chapter on intestate succession [8 CMC § 2901 et seq.] to the property of a decedent.” 8 CMC § 2107(o). Assuming for the sake of argument that Decedent was non-NMD as Pangelinan asserts, the applicable intestacy statute would be 8 CMC § 2912-Intestacy for Those Not of Northern Marianas Descent. This statute lists all the classes of persons who are entitled to

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<sup>2</sup> Decedent received the land from Candido through an inter vivos deed transfer in 1989, not through a probate transfer. Suppl. App. 142–43.

take in intestate succession. These include the surviving spouse, issue, parents, and siblings of the decedent. 8 CMC § 2912(a)–(f). First cousins, like Pangelinan, are not listed. Pangelinan is thus not an heir with even a speculative interest such that if he prevails he will be entitled to a distributive share in the Estate. *In re Estate of Kelly*, 547 A.2d 284, 287 (N.H. 1988); see *Malite*, 2007 MP 3 ¶ 34. Nor is he a claimant as a creditor or tort victim.<sup>3</sup> See *Faisao v. Tenorio*, 4 NMI 260, 265 n. 13 (1995) (citing 8 CMC § 2107(p) for the proposition that “interested person” under the probate code includes “creditors”).

¶ 11 Because Pangelinan is not an heir under his theory of the case and not a claimant, he has not suffered any injury from the challenged probate court orders that “fairly can be traced to the challenged action and is likely to be redressed by a favorable decision.” *McCue*, 2005 MP 7 ¶ 34. We affirm the court’s finding that he has no standing in probate.

¶ 12 As to the implication of Pangelinan’s Section 2411 theory that the land is not an asset of the Estate, the appropriate vehicle to pursue this claim is a suit to quiet title, not probate. See *Mangabao*, 2019 MP 13 ¶ 11; *Estate of Guerrero v. Quitugua*, 2000 MP 1 ¶ 18 (“It is not the function of probate to resolve challenges by third parties to the ownership of a decedent’s real property.”). He is claiming an interest adverse to the Decedent’s. A decree of distribution does not “bind third persons who claim an interest adverse to that of the intestate or testator.” *Piteg v. Piteg*, 2000 MP 3 ¶ 13. We take judicial notice that the Superior Court’s dismissal of a quiet title claim by Pangelinan is pending before us in a separate appeal. *Secundina Untalan Pangelinan and Selina Marie Pangelinan v. John Sablan Pangelinan*, Civ. No. 17-0067-CV (NMI Super. Ct. Apr. 5, 2018) (Order at 4–6).

#### V. CONCLUSION

¶ 13 For the foregoing reasons, we AFFIRM the trial court’s finding that Pangelinan is not an heir or claimant and does not have standing.

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<sup>3</sup> “‘Claims,’ in respect to estates of decedents, includes liabilities of the decedent whether arising in contract, in tort or otherwise . . . . The term does not include . . . demands or disputes in the estate.” 8 CMC § 2191(d).

SO ORDERED this 21st day of August, 2020.

/s/  
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ALEXANDRO C. CASTRO  
Chief Justice

/s/  
\_\_\_\_\_  
JOHN A. MANGLONA  
Associate Justice

/s/  
\_\_\_\_\_  
PERRY B. INOS  
Associate Justice

COUNSEL

John S. Pangelinan, Saipan, MP, Petitioner-Appellant, Pro Se.

Janet H. King, Saipan, MP, for Respondent-Appellee.

NOTICE

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**JUDGMENT**

Appellant John S. Pangelinan appeals the Superior Court's Order Denying Motion, Claim and Petition for John S. Pangelinan, and Granting Estate's Motion to Dismiss Demands of John S. Pangelinan ("Order"). For the reasons discussed in the accompanying opinion, the court's Order is **AFFIRMED**.

ENTERED this 21st day of August, 2020.

/s/

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GRETCHEN A. SMITH  
Clerk of the Supreme Court