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

IN THE MATTER OF THE ESTATE OF:) CIVIL ACTION NO. 19-0366

LUCIA ANA CABRERA ACEBO,

Deceased.

ORDER FINDING THAT
JEWELS MALIA ABRIGO CABRERA
WAS ADOPTED BY HER AUNT,
LUCIA ANA CABRERA ACEBO,
PURSUANT TO THE CHAMORRO
CUSTOM OF *POKSAI* AND IS AN HEIR
OF HER ADOPTIVE MOTHER'S ESTATE
AND THEREFORE ENTITLED
TO INHERIT

I. INTRODUCTION

THIS MATTER came before the Court on June 29, 2021 for an Evidentiary Hearing to determine whether Jewels Malia Abrigo Cabrera (“Jewels”) was customarily adopted by the Decedent Lucia Ana Cabrera Acebo (“Lucia”) under the Chamorro custom of *poksai*. The Administratrix, Jewels, was present with counsel Christopher Heeb. Sisters of the Decedent, Mary Madalene Deleon Guerrero Cabrera (“Mary”) and Lourdes Cabrera Villazon (“Lourdes”) were present and testified as witnesses in support of the customary adoption. The remaining siblings of

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

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1 the Decedent submitted sworn and notarized declarations in support of the customary adoption.
2 No objections were filed or submitted.

3 The Court heard testimony from three witnesses: Jewels, Mary and Lourdes. Seventeen
4 Exhibits were admitted into evidence: (1) Family Tree of Lucia; (2) Published Obituary for Lucia;
5 (3) Affidavit of Non-Marital Status; (4) Adoption Decree for Joyce Marie Deleon Guerrero
6 Cabrera; (5) Mother's Day card from Jewels to Lucia; (6) Family photograph; (7) Bank of Guam
7 Electronic Dispute Form completed by Lucia naming Jewels as her daughter; and (8) through (17)
8 Declarations Regarding Customary Adoption completed by each of Lucia's siblings.

9 Based upon the witnesses' testimonies and the admitted exhibits, the Court makes the
10 following Findings of Fact and Conclusions of Law.

11 **II. FINDINGS OF FACT**

- 12 1. Lucia Ana Cabrera Acebo was born on September 2, 1963 to Jesus San Nicolas Cabrera
13 ("Jesus") and Florida Ramos Deleon Guerrero Cabrera ("Florida"). Lucia was one of the
14 ten children of Jesus and Florida, who had nine (9) naturally born children together and
15 legally adopted Joyce Marie Deleon Guerrero Cabrera ("Joyce") on August 16, 1991.
- 16 2. Lucia had previously married and retained her married name of "Acebo."
- 17 3. Lucia died on January 25, 2013. She was unmarried at the time of her death.
- 18 4. Lucia had no naturally born children.
- 19 5. Lucia is of Chamorro descent.
- 20 6. Jewels Malia Abrigo Cabrera was born on August 8, 1993. Her birth parents were Jessie
21 James Deleon Guerrero Cabrera ("Jessie") and Flordaliza Renguel Abrigo ("Flordaliza").
22 Jessie is the younger brother of Lucia. Jewels was the youngest of four (4) children born to
23 Jessie and Flordaliza. Jessie and Flordaliza raised two of their four natural born children.

1 Another, Joyce, was legally adopted by Jessie's parents. The other sister, Jewels, was raised
2 by Lucia.

3 7. Jewels was taken into the home of Lucia as an infant and thereafter raised by her.

4 a. Immediately upon being released from the hospital after her birth, Jewels was taken
5 into the home of Lucia.

6 b. Lucia and Jewels lived together since Jewels' birth until Lucia's death, which was
7 a period of over 18 years.

8 c. Lucia provided shelter, clothing, and food for Jewels throughout her childhood.

9 d. Lucia was responsible for Jewels' education. Lucia ensured that Jewels attended
10 school, assisted Jewels with her homework and handled all administrative matters
11 related to Jewels' education.

12 e. Lucia was responsible for Jewels' religious upbringing, including arranging for
13 Jewels to receive the Sacraments as part of their Catholic faith.

14 f. Lucia was responsible for providing discipline and parental guidance to Jewels.

15 g. Lucia provided guidance and assistance to Jewels when Jewels was dealing with an
16 underage pregnancy. Lucia treated Jewels' child as her grandchild.

17 8. Lucia treated Jewels as her own child. When referring to Jewels amongst her siblings,
18 Lucia would refer to Jewels as her daughter. Additionally, Lucia publicly referred to Jewels
19 as her daughter. As an example, Lucia listed Jewels as her daughter on a Bank of Guam
20 form admitted as Exhibit 7.

21 9. Jewels treated Lucia as her legitimate mother. Jewels has referred to Lucia as "Mom" for
22 her entire life, both when addressing Lucia directly and speaking about her to other persons,
23 including to other family. Jewels expressed love and affection for Lucia as her mother
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1 throughout her life. As an example, a Mother's Day card from Jewels to Lucia from when
2 Jewels was in elementary school was admitted as Exhibit 5. Jewels also helped care for
3 Lucia's daily needs as Lucia became sick at the end of her life, taking on the necessary role
4 of supporting her mother as she neared the end of her days.

5 10. So strong was the bond of mother and daughter that Jewels was not even aware that she
6 was "adopted" until she was in middle school, when some of her cousins began to tease
7 her about Lucia not being her biological mother. Even after learning that Lucia was not her
8 biological mother, Lucia remained 'Mom' to Jewels. Jewels has never had a relationship
9 of any consequence with her birth mother, Flordaliza. For Jewels, Lucia is the only mother
10 she has known.

11 11. Jewels has always perceived and treated her biological father Jessie as her uncle. She
12 referred to him and still refers to him as her "Uncle Sus." When speaking of Jessie to
13 Jewels, the family will refer to Jessie as "Uncle Sus." Jewels' interaction with her "Uncle
14 Sus" is minimal and consists primarily of interactions at family gatherings. For Jewels,
15 Lucia is the only parental figure she has known.

16 12. Jessie did not treat Jewels as his natural and legitimate daughter. They have never resided
17 together. Despite having a job and being financially capable, Jessie has not provided for
18 any of Jewels' needs, such as shelter, food, clothing, etc. These responsibilities were taken
19 on by Lucia alone.

20 13. Lourdes, the sister of Lucia, testified that once at a family gathering while Jewels was still
21 young, Jessie attempted to reprimand Jewels. Lucia was offended by Jessie's attempt to
22 discipline Jewels. Lucia intervened and expressed her displeasure with Jessie for usurping
23 her parental role. Jessie respected Lucia's wishes and did not attempt to discipline Jewels
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1 again. This demonstrates that Jessie accepted Lucia's role as Jewels' parent and recognized
2 that it was not his role.

3 a. Though there was no direct testimony from Jewels' biological parents of their
4 consent for Lucia to customarily adopt Jewels, the Court can make a reasonable
5 inference. Jessie, the biological father of Jewels, signed a declaration that Jewels
6 was customarily adopted by Lucia.

7 b. Furthermore, Jewels testified that since birth her biological mother has not been
8 involved in her life.

9 c. Even after the death of Lucia, neither of Jewels' biological parents have made any
10 attempts to reclaim her as a daughter.

11 14. Lucia's siblings, Mary and Lourdes, testified that they were familiar with both the
12 Chamorro custom of *poksai* and the Chamorro concept of *kirida*.¹ Both testified that the
13 relationship between Lucia and Jewels was much more significant than that of a *kirida*.
14 Lucia was a caretaker to many other family members. Both Mary and Lourdes considered
15 their older sister Lucia to be like a second mother to them, helping their own mother to
16 raise them when they were growing up. However, the relationship Lucia had with Jewels
17 was the deeper connection of a mother and daughter. Jewels was not just another family
18 member that Lucia favored among her many nephews and nieces. Jewels was Lucia's
19 daughter, who Lucia raised as her own child. The Court found this testimony credible.

20 15. Lucia's sole asset at the time of her death was her homestead property located in Dandan.
21 Lucia expressed to her siblings her desire that Jewels inherit her house upon her death.
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23 ¹A *kirida/kiridu* is a most favored child. Though the concept of *kirida* (female) or *kiridu* (male) and the Chamorro
24 custom of *poksai* may at first glance appear to have similar characteristics, the difference between a *kirida/kiridu* and
poksai are significant, among them is the inheritance rights of a Chamorro customarily adopted *poksai* child.

1 Lucia wished Jewels to inherit her property because Jewels was her daughter. To date,
2 Jewels continues to reside in Lucia's house.

3 16. Jewels was known to the family and the community at large as the daughter of Lucia. All
4 of Lucia's siblings are familiar with the Chamorro custom of *poksai* and all of them have
5 affirmed, in declarations notarized and signed under penalty of perjury, that Jewels was
6 known as and treated as the natural child of Lucia, and that Jewels was adopted by Lucia
7 under the custom of *poksai*.

8 17. The witnesses who testified were all deemed credible by the Court. The Court was able to
9 observe the mannerisms and demeanor of each witness. The strong and undeniable
10 mother/daughter bond between Lucia and Jewels was made abundantly clear to the Court
11 based upon the live testimony of the witnesses in a way that is not captured in written
12 statements.

13 III. LEGAL STANDARD

14 Under the Probate Law, children who are adopted pursuant to custom inherit from their
15 adoptive parent's estate as would a natural child of the parent. *In re Macaranas*, 2003 MP 11 ¶ 17.
16 Probate law makes explicitly clear that customarily adopted children are the "children" of their
17 adoptive parents for the purpose of intestate succession. *Id.*; *see also* 8 CMC § 2918(a).
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19 The preponderance of the evidence standard applies in all proceedings regarding customary
20 adoption. *In re Estate of Rofag*, 2 N.M.I. 18, 29-30 (1991). A claimant satisfies this burden by
21 producing evidence which, as a whole, shows that the fact sought to be proved is more probable
22 than not. *In re Estate of Barcinas*, 4 N.M.I. 149, 154 (1994).
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1 The Chamorro term *poksai* means the raising of a child as though the child were a natural and
2 legitimate child. *Macaranas*, 2003 MP 11 ¶ 14, citing *In re Estate of Deleon Castro*, 4 N.M.I. 102,
3 106 n.6 (1994). A *pineksai* is a person who is being raised or has been raised under the Chamorro
4 custom of *poksai*. *Id.* at n.4; citing *In re Estate of Cabrera*, 2 N.M.I. 195, 201 n.2. A *pineksai* who
5 is raised as a natural and legitimate child is a customarily adopted child for purposes of inheriting
6 under the intestacy statutes. *Id.* at ¶ 6.

7 In contrast to the Carolinian adoption custom of *mwei mwei*, the Supreme Court of the
8 Commonwealth of the Northern Mariana Islands (“Commonwealth Supreme Court”) has not
9 elucidated a list of factors that the Commonwealth Courts should consider when determining
10 whether or not a *poksai* adoption has occurred.² Instead, the lodestar for a *poksai* adoption is
11 whether or not the adopted child was raised as a natural and legitimate child of the adoptive
12 parent(s). *See Id.* at ¶ 17. In *Macaranas*, the Commonwealth Supreme Court discussed language
13 in its previous rulings that it deemed helpful to showing the Court’s understanding of *pineksai* as
14 customarily adopted children. *Id.* at ¶ 13. From the discussion in *Macaranas*, the two
15 considerations that help in determining whether or not a *poksai* adoption has occurred. The first
16 consideration is whether the child was taken into the home of the adoptive parent(s) as a young
17 child and thereafter raised by the adoptive parent(s).³ *See Id.* at ¶ 13 no.2. The second consideration

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19 ² In contrast, the Supreme Court of the Commonwealth of the Northern Mariana Islands has recognized eight (8) non-
20 exclusive factors that the Commonwealth Courts may consider when determining whether *mwei mwei* adoption has
21 occurred. A *mwei mwei* adoption is a customary adoption under the Carolinian custom. The 8 factors are: (1) whether
22 the natural parents consented to the adoption; (2) the child’s age at the time of adoption; (3) whether the adoption was
23 between relatives; (4) whether women initiated the adoption; (5) whether the adopting parent was married; (6) whether
24 the community was aware of the adoption; (7) whether the natural parent reclaimed the adoptee; and (8) whether the
adoptee was the natural parent’s only child. *In re Estate of Olopai*, 2015 MP 3 ¶ 15.

³This fact was of paramount importance to the Trial Court in *Macaranas*. The sole fact that the adopted children lived
with and were raised by the adoptive parents since birth and continued to reside in the adoptive parents’ house even
after the adoptive parents’ death gave rise to the conclusion that the children were raised as though they were natural
and legitimate children. *In re Estate of Andres G. Macaranas*, CV01-0136 (April 3, 2002).

1 is whether the adoptive parent wanted the *pineksai* to have a share in his or her land. *See Id.* at ¶
2 13 no. 3. However, these two considerations are neither mandatory nor exclusive. In *poksai* cases,
3 the lodestar laid out in *Macaranas* gives guidance whether the adoptive child was raised as the
4 natural and legitimate child of the Chamorro adoptive parent.

5 IV. DISCUSSION

6 The Court examines whether Jewels was raised as the natural and legitimate child of Lucia
7 based upon the totality of the circumstances. *See In re Estate of Malite*, 2011 MP 4 ¶ 14.⁴ In the
8 present case, the evidence at the hearing included credible witness testimony and multiple tangible
9 exhibits. The tangible evidence included: (1) a photograph of the family; (2) Lucia's obituary
10 listing Jewels as her daughter; (3) a bank form where Lucia listed Jewels as her daughter; and (4)
11 a Mother's Day card from Jewels to Lucia from when Jewels was in elementary school.⁵ These
12 tangible evidence supports the conclusion that Lucia raised Jewels as her natural and legitimate
13 child.

14 The testimonial evidence presented by the three witnesses also supports the conclusion that
15 Lucia customarily adopted Jewels under the Chamorro custom of *poksai*. From the hospital right
16 after her birth, Jewels was brought into Lucia's home to be raised by Lucia. Jewels continued to
17 reside with and to be raised by Lucia up until the time when Lucia passed away. This fact, just as
18 the Trial Court found in *In re Estate of Andres G. Macaranas*, CV01-0136 (April 3, 2002),
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20 ⁴*Estate of Malite* is a Carolinian customary *mwei mwei* adoption case. The same standard of totality of the
21 circumstances applies in a Chamorro customary *poksai* adoption cases.

22 ⁵Tangible evidence, should it exist, can help to assist the Court in making customary adoption findings. In *Estate of*
23 *Teigita*, CV-89-1033 (December 20, 2019), the Superior Court for the Commonwealth of the Northern Mariana Islands
24 identified four categories of tangible evidence that can assist the Court in a customary adoption determination. Those
categories are: (1) photographs; (2) obituaries; (3) legal documents and (4) letters. While *Teigita* was a Carolinian
customary *mwei mwei* adoption case, these categories of tangible evidence, can also assist the Court in a Chamorro
customary *poksai* adoption case.

1 significantly supports the conclusion that Lucia raised Jewels as though she were her natural and
2 legitimate child. Additionally, the evidence established that Lucia performed all the duties that a
3 natural parent performs for a child. These included: (i) providing shelter, clothing, and food for
4 Jewels throughout the entirety of her childhood; (ii) ensuring that Jewels completed her education;
5 (iii) helping Jewels to develop spiritually by guiding her through her sacraments as part of their
6 Catholic faith; (iv) disciplining her; and (v) providing emotional care and support, especially
7 during the difficult time when Jewels became pregnant while still a minor.

8 Additionally, the Court analyzes the relationship of all concerned parties to one another and to
9 the public in general. Jewels' biological parents are Jessie and Flordaliza. Flordaliza and Jewels
10 have had only minimal interaction with each other since Jewels' birth. Their relationship is not
11 one consistent with the relationship of a mother and a daughter. The fact that Flordaliza has not
12 been involved with Jewels' life, while remaining engaged in the raising of two of her other
13 children, and has not challenged Lucia's role as Jewels' mother, is highly indicative that Flordaliza
14 has assented to and recognized the customary adoption.

15 Similarly, Jessie and Jewels do not have a relationship that is consistent with a father-daughter
16 relationship. Jewels has never resided with or been raised by Jessie. Jessie did not support Jewels
17 during her childhood or provide parental guidance or discipline to her, instead leaving these tasks
18 to Lucia. These facts demonstrate that Jessie has assented to and recognized the customary
19 adoption of Jewels by his sister, Lucia. In the eyes of Lucia and Jewels, Jessie' role was simply
20 Jewels' uncle, and the role he took in her life was consistent therewith.

21 The evidence also indicates that Lucia fully agreed to and faithfully accepted the role of being
22 Jewels' mother. Lucia both publicly and within the family referred to Jewels as her "daughter."
23 Lucia took the responsibility of raising and providing for Jewels, including disciplining her. When
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1 Jessie attempted to reprimand Jewels at a family gathering, Lucia took offense at Jessie's
2 interference with her parental role. Lucia clearly and unequivocally accepted the role as Jewels'
3 natural and legitimate mother.

4 Jewels also accepted Lucia as her mother and still considers Lucia her mother to this day.
5 Jewels referred and still refers to Lucia as "Mom." She has shown her love and affection to Lucia
6 as her mother. The Mother's Day card that Jewels created for Lucia when Jewels was in elementary
7 school is just one example of Jewels' love and affection for Lucia. Additionally, when Lucia got
8 sick towards the end of her life, Jewels took on the role of caring for Lucia during her final months.
9 The relationship between Jewels and Lucia was reciprocal, with each fulfilling appropriate parental
10 or child roles to each other and each expressing love and affection towards the other.

11 Jewels was also held out within the community as the daughter of Lucia. Lucia's sisters both
12 testified that everyone knew that Lucia was Jewels' mother. Additionally, Lucia's entire family
13 recognizes the relationship between Lucia and Jewels as one of a parent and child. All the siblings
14 of Lucia have submitted declarations, notarized and under penalty of perjury, confirming their
15 respective knowledge of and agreement to the Chamorro custom of *poksai* adoption. There is no
16 opposition to or doubt regarding Lucia's customary adoption of Jewels within the family.

17 Finally, it is clear that Lucia intended that, as her daughter, Jewels should inherit her property
18 upon her death. Lucia expressed this sentiment and desire to her siblings prior to her death.
19 Consistent with the Commonwealth Supreme Court's discussion in *Macaranas*, the desire for
20 one's land to pass to a *pineksai* is indicative that the *pineksai* is treated as the natural and legitimate
21 child of the parent. Lucia's desire that Jewels inherit her home further supports the conclusion that
22 Lucia raised Jewels as her natural and legitimate child under the Chamorro custom of *poksai*.

1 **V. CONCLUSION**

2 A child raised as a natural and legitimate child under the Chamorro custom of *poksai* is a legal
3 heir to the estate of the adoptive parent. For the reasons stated above, Lucia Ana Cabrera Acebo
4 customarily adopted Jewels Malia Abrigo Cabrera under the Chamorro custom of *poksai* and
5 raised her as a natural and legitimate child. Jewels Malia Abrigo Cabrera is therefore a legal heir
6 of Lucia Ana Cabrera Acebo.

7 **THEREFORE**, the Court finds that Jewels Malia Abrigo Cabrera was customarily adopted
8 by Lucia Ana Cabrera Acebo pursuant to the Chamorro custom of *poksai*. As Jewels Malia Abrigo
9 Cabrera is deemed a natural and legitimate child she is entitled to inherit as an heir of her adoptive
10 mother Lucia Ana Cabrera Acebo.

11 **SO ORDERED** this 8th day of September, 2021.

12
13 /s/
14 **JOSEPH N. CAMACHO**, Associate Judge